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The whole shocking story

Growing concern over Taser shakes the faith of some in policing

By Jennifer Nislow

Law enforcement's faith in the Taser stun gun as a near perfect less-than-lethal weapon that can incapacitate a subject but cause little lasting harm has given way in some policing circles to mounting concern over liability, as reports of fatalities and severe injuries incurred after being shocked continue to grow.

In the past three months, the U.S. Department of Justice said it would study the weapon's safety, the International Association of Chiefs of Police received a federal grant to create a model policy for Taser use, and a report by Amnesty International claimed that the Taser has been a factor in 93 deaths over the past four years in the United States and Canada.

In the estimation of one law-enforcement expert, policing is on the verge of creating a tremendous backlash against one of its most useful tools if it does not address the question of safety and develop a cogent set of guidelines for the weapon's use.

In a survey published last year by The Arizona Republic, medical examiners cited the Taser as a factor in eight of 71 deaths since 1999.

During the past year, other papers have

done their own digging.

In October, The Minneapolis Star-Tribune documented news reports of 105 cases nationwide since 1983 in which someone died after being shocked by police with a stun gun. News accounts of 14 of those deaths, the paper said, cite coroners, medical examiners and forensic pathologists.

Edward Jackson, a spokesman for Amnesty International, told The Columbus Dispatch that his organization's objection to the Taser "stems from a campaign of misinformation that the guns are perfectly safe when there's no independent medical evidence supporting those claims."

A Maricopa County, Ariz., sheriff's deputy is believed to be the first to file a product liability lawsuit against the stun gun's manufacturer, Taser International of Scottsdale, Ariz.

Deputy Samuel Powers, 46, claimed that shocks received during a mandatory Taser training exercise in 2002 resulted in severe injury to his back. An injury report filed by a Phoenix orthopedic surgeon said that Powers had an undiagnosed case of osteoporosis. The shock caused a bone in his spinal column to be crushed.

Taser International, which says it supplies

stun guns to more than 6,000 police agencies in the United States and abroad, has defended its product's reputation.

Excerpts from a recent study by the Madison Police Department posted on the company's Web site found the stun gun to be "extraordinarily effective in controlling resistive subjects, while also being extraordinarily safe (causing virtually no injury in the vast majority of cases, and causing no long-term injury or adverse effects)"

Madison had used the weapon 92 times in 83 incidents as of last month.

"Tasers save lives"

On Jan. 10, a Miami-Dade grand jury in Florida issued a report in which it "strongly" recommended the expanded use of Tasers by police as an effective alternative to firearms in crisis situations involving the mentally ill. "We believe Tasers save lives," the grand jury said. "We are not hesitant to make this recommendation."

Steve Tuttle, Taser's director of communications, told Law Enforcement News "While we understand the concerns of the public concerning the topic of in custody deaths following Taser usage, there are medical experts who dispute the few cases,

out of tens of thousands of life-saving uses, where a Taser device has been cited as a contributing factor to an in-custody death."

In an emailed response to a request for comment, Tuttle noted: "Tasers continue to prevent numerous injuries and save lives every day. It is the safer alternative available to law enforcement to subdue violent individuals who could harm law enforcement officers, innocent citizens or themselves."

Despite the recent heightened concern, many police agencies believe the Taser to be a key to reducing officer injuries. Springfield, Mo., police Maj. Steve James, a nationally recognized less-than-lethal weapons expert,

Continued on Page 10

DNA seen as key to Mass. murder

Police in Truro, Mass., say that regardless of the pressure applied by civil libertarians, they will not halt a DNA dragnet launched as a last-ditch effort to solve a vexing three-year-old murder case.

As of Jan. 11, the department had collected voluntary samples from 175 local men in the hopes that one of them would be a match for the DNA extracted from semen left at the scene of the crime. Fashion writer Christa Worthington, 46, was stabbed to death in her bungalow on Jan. 6, 2002. Her 2-year-old daughter, Ava, was found clinging to her lifeless body. A former boyfriend, along with the married man who is Ava's father, have been investigated, as have other men.

"Our goal is to employ whatever methodology is available to us to solve a homicide," said Cape and Islands District Attorney Michael O'Keefe. While police would be "impelled," he said, to look at reasons why someone would not want to give a sample, police understand that there are those who have legitimate reasons for refusing.

"And the police have the judgment and the experience to figure those things out," O'Keefe told The Quincy Patriot-Ledger.

But some residents have complained to the ACLU of Massachusetts that the sweep is coercive.

"I really think they're usurping my civil rights," Dick Seed, 44, a Truro housepainter, told The New York Times. "Are they going to chase down everyone who didn't give a sample? It kind of sounds like Stalin's secret police. If there's a murder committed in a rest room, are they going to be asking for a urine sample?"

In a letter this month sent to Truro Police Chief John Thomas and O'Keefe, the ACLU described the dragnet as a "serious intrusion on personal privacy that has proven to be both ineffective and wasteful."

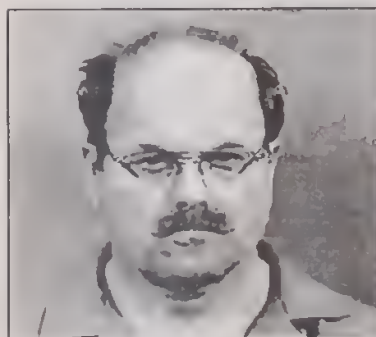
Mass DNA collection has gained more

Continued on Page 14

At the end of a long trail

Wichita, Kan., police Lt. Ken Landwehr, lead detective on the BTK murder investigation, confers with Police Chief Norman Williams (in uniform) during a press conference to announce an arrest in the decades-old BTK serial killer case. The 59-year-old suspect, Dennis Rader, seen below in a Sedgwick County sheriff's booking photo, was said to fit the "guy-next-door" profile that police had warned residents of. He was a code enforcement officer in Park City, where he live, the president of his church council, and held a degree in criminal justice administration from Wichita State University. Police linked Rader, whose self-coined nickname stood for "Bind, Torture, Kill," to 10 killings from 1974 through 1986.

(AP Wideworld photos)



AROUND THE NATION

NORTHEAST



CONNECTICUT — Thousands of mourners gathered at the funeral of Newington Police Officer Peter Lavery, 47, who was killed while responding to a domestic violence dispute. Lavery was shot by a former correction officer, Bruce A. Carner, who then killed himself after police surrounded the house. Carner had a history of criminal behavior that included illegal possession of weapons and assault. Questions persist about whether Lavery knew Carner had a criminal record.

DISTRICT OF COLUMBIA — Mayor Anthony A. Williams has vetoed a bill, approved by the District Council in December by a vote of 12 to 1, which would have required officers to videotape interrogations of suspects in serious crimes. Williams, whose decision was supported by D.C. Attorney General Robert J. Spagnoletti and the U.S. Attorney's office, said that the bill could make unrecorded confessions inadmissible in court. Council members said the bill would have been avoided if the police department complied with an existing two-year-old law requiring police to record interrogations.

MAINE — Portland Police Chief Michael Chitwood traveled to New York in January to appear on the Montel Williams TV show, where he called for changes to the state's sex offender notification laws. Individuals convicted of sex crimes prior to 1992 are not currently required to register with authorities in Maine.

MASSACHUSETTS — Boston Police Commissioner Kathleen O'Toole and Mayor Thomas Menino have agreed that a proposed civilian review board should not have investigative or subpoena powers. Some critics say the board would need those powers to be effective. O'Toole announced her plans for the oversight board after a woman was shot and killed by a shot from a police pepper-pellet gun during a celebration following the Red Sox victory in October.

NEW JERSEY — Wolfgang Persieck, 50, of Union Beach, decapitated himself in January by diving away from a light post with a rope tied around his neck. Two teenagers spotted his car behind a movie theater in Hazlet and alerted a passing police officer, who then discovered the body.

NEW YORK — Rochester is planning to install the "ShotSpot" system, which pinpoints the location of a gunshot anywhere in the city and gives that information to emergency dispatchers.

New York City Police Commissioner Raymond Kelly said recently that as part of a plan to reduce graffiti, the 100 most frequently arrested vandals in the city will be singled out for extra monitoring. The plan was unveiled two days after Mayor Michael Bloomberg, who called graffiti an invitation to criminal behavior, announced the creation of an anti-graffiti task force.

Rochester family court judge Marilyn O'Connor has ordered a drug-addicted

prostitute, who had lost custody of her seven children, to have no more children until she can prove that she can take care of the children she already has. O'Connor stirred a national debate last March when she issued a similar ruling in which she ordered a drug-addicted homeless mother not to have any more children until she can win back her four children.

Suffolk County Executive Steve Levy has petitioned federal immigration officials to assign eight immigration officers to the county as part of his efforts to address rising voter complaints about illegal immigration on Long Island. As an alternative, he asked that eight probation or correction officers be authorized to enforce immigration laws. In response to critics of the plan, Levy said that he would only focus on immigrants who commit crimes.

According to a report in The New York Post, more than two dozen New York police officers are seeking pensions for post-traumatic stress disorder caused by their duties after the Sept. 11, 2001, attack on the World Trade Center. The newspaper went on to state that the police department has not been forthcoming with the disability retirements after granting seven such mental-health pensions already. A spokesperson for the NYPD said that each case is being looked at individually.

PENNSYLVANIA — A former Allegheny County SWAT team member, Mark M. Short, was sentenced to house arrest and 18 months under intermediate punishment, a form of probation under close supervision, after pleading no contest to charges that he stole guns, ammunition and explosives from a county munitions room. Short had been selling the ammunition to at least one gun shop in another county.

Union officials are blaming police administration for demoralizing officers in the Easton Police Department after the year started with a major reorganization. Police Chief Stephen A. Mazzeo prompted the wave of transfers and promotions when he decided that no detectives in vice and criminal investigation could serve on the SWAT team. The move was designed to gain back investigative hours consumed by SWAT training. Three detectives, however, transferred to patrol so that they could stay on the SWAT team and then two other detectives transferred out of their units.

SOUTHEAST



ARKANSAS — In the wake of an aggressive campaign in Fulton County against methamphetamine production and distribution, state police investigators are taking seriously the death threats made against two agents on the task force. While investigating the threats, police arrested a Salem couple, Kermit and Jocasta Comstock, and found a rifle and several hundred rounds of ammunition in their home. Officials in Fulton County, which has a population of only 11,642, found 139 meth labs last year.

The Ford Motor Company is still selling

Crown Victorias to police agencies while it is the target of a state attorney general's investigation, but only if the agencies sign waivers. The investigation is looking into complaints that the models sold as the Police Interceptors were exactly the same as the civilian model. Col. Steve Dozier of the State Police said that his agency is still waiting for cars, as it has declined to sign the waiver.

FLORIDA — Sheriff's deputies in Pinellas County are earning overtime for calling in reports from their homes because the sheriff's department's computerized report management system has been slow during a systems upgrade. The situation has been exacerbated by a lack of clerks to take the reports. The upgrade is expected to last only a few weeks.

Hillsborough sheriff's deputy Charles Maye was arrested Jan. 20 and charged with conspiracy for allegedly using his access to the National Crime Information Center and the Florida Crime Information Center computers to help a friend, Leroy Collins, stalk his ex-girlfriend and her new boyfriend. The boyfriend was eventually murdered, and although the indictment said Collins "caused" the shooting, neither he nor Maye have been charged with the murder. Maye had been suspended and transferred in the past for using his gun and uniform to intimidate residents at a Mobile Home Park that he managed.

GEORGIA — Ben DeCosta, general manager of Hartsfield-Jackson International Airport, and Atlanta Police Chief Richard Pennington are targeting the 125 police officers assigned to the airport for special human relations training. In recent months, the department has received several complaints from travelers who say that police have been short-tempered, in some cases to the point of roughing them up. In a recent incident that was videotaped, a woman who was parked by the curb while waiting for her elderly mother was dragged from her car by an officer before she being slammed down on the ground and handcuffed.

NORTH CAROLINA — Durham police officials met with the Duke Power Company recently to talk about removing sneakers from power lines. While the athletic shoes do not present much of a hazard, for several years they have been linked to gangs, who use them to mark their territory.

Boiling Springs Lake Police Officer Mitch Prince, 36, was shot with his own weapon and killed during a traffic stop on Jan. 18. After learning that the driver he had pulled over was wanted for violating probation, Prince tried to arrest him. A struggle ensued and the driver got hold of Prince's firearm and shot him. Darrell Wayne Maness, 19, was charged with first-degree murder.

Durham Police Chief Steve Chalmers defended the use of photo lineups as an investigative technique despite the recent dismissal of two murder cases that relied on the lineups. In one case, investigators repeatedly showed a shooting suspect's photos and other pictures to a witness even after the witness claimed to not recognize anyone. The judge called the method "impermissibly suggestive." In another, a witness picked out a shooting suspect from the lineup, after having previously told police that he did not see the suspect and could not

identify him. Prosecutors say the witness later recanted by saying that he only saw an arm and not a face.

TENNESSEE — Two Wilson County law enforcement agencies barred police officers from taking off-duty jobs working at polling places for the recent Iraqi elections in Nashville, fearing that they may be the target of terrorist attacks. The city of Mt. Juliet said that the police department is too small and the entire city would be at risk should several officers be injured. County Sheriff Terry Ashe said that it would not be fair to the taxpayers to send his officers into such a risky situation.

VIRGINIA — Machetes are becoming increasingly popular weapons among northern Virginia gang members, with at least 40 police reports in Fairfax in the past two years listing the long, curved knives. In response to their growing popularity, state lawmakers have included machetes in a list of weapons that may not be concealed, along with guns and switchblades.

After an incident on Oct. 24 in which a murder suspect was killed in a bullet-riddled pickup truck and a family had to cower in a nearby house that was pierced with 20 to 30 rounds fired by troopers, State Police officials are considering further training in the use of M-4 semiautomatic rifles that were purchased for homeland security purposes. State Police Superintendent Col. W. Steven Flaherty said that a work group is looking at ways to improve training while not jeopardizing police safety in the field.

MIDWEST



ILLINOIS — East St. Louis Police Chief Ronald Matthews was arrested Jan. 21, along with his secretary and a local businessman, on federal charges of conspiracy to obstruct justice. The businessman, Ayoub Qattoum, a convicted felon, was prohibited from owning a firearm. When he was arrested in August for interfering with an officer, his gun was taken into evidence. Matthews allegedly took over the investigation and got Qattoum's gun back to him after the man gave Matthews' secretary \$1,500 for it. Matthews then ordered a false police report that said the gun had been stolen or lost.

KENTUCKY — After concluding training that began in October, all Louisville police officers and sergeants have been issued Tasers over the past few months. The department's new use-of-force policy puts Tasers in the same category of force as pepper spray.

Mickey Craig, a Kentucky wildlife and hoating officer, has been involved in 17 mussel-poaching arrests in the last two years on the Licking River. Poachers are mining the river for the endangered species because the shells can be shipped to Japan and China for use in making cultured black pearls. Craig called mussel poaching a cut-throat business that is "the cocaine trade of natural resources."

MICHIGAN — Former Rose City police chief Max Garnett and two prosecutors were indicted Jan. 14 on federal charges of

receiving illegal weapons and defrauding the government. The charges involve the purchase of silencers and machine guns registered to the Ogemaw County prosecutor's office.

OHIO — Police in Trotwood are hoping that a new Juvenile Diversion Program will give juveniles charged with nonviolent crimes an opportunity to have their files erased. First-time nonviolent offenders are offered the diversion track rather than going to court. Those who choose the track sit down with their parents and Officer Jamie Faulkner to compose a contract that can include such requirements as curfews or community service. Faulkner makes home visits, checks on grades, and conducts mandatory drug tests.

WISCONSIN — After reviewing a proposal to tape an episode of "COPS" in Madison this summer, police officials have decided that it won't work, citing concerns over privacy. Officials also said that since Madison was one of the nation's safest cities, the program wouldn't bring any benefit.

A Racine man with an admitted doorknob obsession was charged with stealing tools and other materials from several Mequon construction sites. He told authorities that he stole the various items "so that it would look like a typical burglary rather than someone just stealing doorknobs."

Ozaukee County police chiefs and the county sheriff's department are developing a countywide pursuit policy after an incident that ended in the death of a Whitefish Bay man. The incident began when police started chasing a woman who had tried to pass a forged check. Her SUV eventually slammed into a sedan driven by 80-year-old Benjamin Fagan, who later died. Officials hope that having a uniform policy will help agencies better coordinate their efforts.

Despite some complaints about privacy violations, Milwaukee police are considering deploying a 24-hour surveillance camera system in troubled areas. Deputy Chief Joseph Whiten said that, first, the cash-strapped department has to find sources to pay for such a system.



PLAINS

IOWA — With the help of a \$350,000 federal research grant, the state is looking into a proposed database that would track prescription purchases, in an effort to find people who "doctor-shop" to get prescription drugs to feed addictions.

KANSAS — Greenwood County Sheriff Matt Samuels, 42, was shot and killed Jan. 19 while he and two deputies tried to serve warrants. Scott Cheever, 23, was charged with capital murder and five others face felony charges in the case, including conspiracy to manufacture methamphetamine.

A number of ranchers in southeastern Kansas have fallen victim to cattle rustlers in recent months. About 50 head have been stolen since November. The losses, while

small in the context of a state cattle population of 6.65 million, have proved devastating to several small farmers. The state will be part of a pilot project that uses ear tags and global positioning satellites to create a national identification system.

MINNESOTA — Police in Minnetonka who respond to domestic violence incidents will be carrying digital recorders to get victim and witness statements while they are still fresh. An attorney for the city said that recordings made after an incident are more reliable than later testimony. Often in such cases, victims will change their stories.

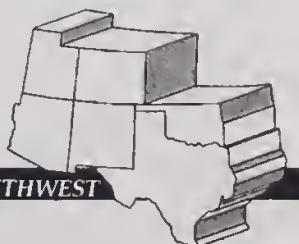
Ronald L. Reed, 54, of Chicago, and Larry L. Clark, 53, of Minneapolis, were charged in January in the 1970 murder of St. Paul Police Officer James Sackett, who was gunned down in an ambush. Both men entered not guilty pleas, and Reed declined to waive extradition to Minnesota.

IES Interactive Training has donated a \$45,000 video training simulator to Minnesota State University's Force Science Research Center in Mankato to study the police use of deadly force against criminal suspects. The simulator, which the company hopes to market to law enforcement agencies nationwide, offers several different police scenarios, following the lead of the trainee and responding to the trainee's moves.

MISSOURI — Hawk Point Police Chief Aaron Spalding died on Jan. 18 of a self-inflicted gunshot wound. Spalding, 39, who had run the town's one-man police department since last May, left a note describing a break-up with his girlfriend.

NEBRASKA — Under one of several bills introduced in the Legislature that address DNA evidence, rape victims could report sexual assaults anonymously and still have DNA collected from their medical examinations. The evidence would then be stored for up to three years, giving the victim time to change her mind about going forward with prosecution. Another bill would limit police as to the cases where they could demand a sample and would require that samples be returned if a suspect is ruled out.

WYOMING — Under a bill now before a legislative committee, spitting or discharging any body substance on a corrections official or police officer would be a felony, punishable by up to 10 years in prison.



SOUTHWEST

ARIZONA — Maricopa County Sheriff Joe Arpaio has his deputies using fluorescent pink handcuffs to transport prisoners. Arpaio said the bright new cuffs would be easier to see and harder to lose than the old silver models.

A gang known as the "Rock Burglars" continues to elude police in Paradise Valley. Since 1993, the thieves — so called because they throw a rock or similar object through a window to gain access — have invaded 326 upscale homes, making off with an estimated

\$12 million to \$15 million worth of jewelry and other valuables. Police now think that a publicity campaign may have scared the burglars off to nearby Scottsdale, because there has not been a burglary in Paradise Valley for over a year.

Phoenix-based agents with the federal Bureau of Alcohol, Tobacco, Firearms and Explosives are searching for a man who used a Middle Eastern name and possibly fake identification to purchase a large amount of ammonium nitrate, the same substance Timothy McVeigh used to blow up the federal building in Oklahoma City in 1995. The man was seeking 500 to 1,000 tons of the material. McVeigh used only two tons to make his bomb.

COLORADO — Since 2000, when state lawmakers authorized hiring collections investigators, the state has collected about \$20 million a year in restitution from convicted criminals. There are collections investigators in every probation office around the state, and collection efforts begin immediately upon sentencing.

TEXAS — Former state narcotics agent Tom Coleman was convicted Jan. 14 of aggravated perjury in a case that involved dozens of discredited drug arrests in Tulsa. The perjury conviction stemmed from claims that he lied about charges of theft and abusing authority that he faced while he was a Cochran County sheriff's deputy.

Richard J. Roach, the district attorney for five Panhandle counties, was arrested Jan. 11 by federal agents for possession of methamphetamine. He was jailed pending an appearance before a magistrate.

A judge has rejected a jury's recommendation that former Houston police officer Arthur J. Carbonneau not spend time in jail following his conviction on a charge of criminally negligent homicide. District Judge Mary Lou Keel ordered Carbonneau to spend 60 days in jail as part of a five-year probation term. Carbonneau, 25, was convicted in the fatal shooting of 14-year-old Eli Eloy Escobar in November 2003.

Officials say the gang problem in Dallas is on the rise again because members are back on the street after serving their time. Last year, police reported an 83 percent increase in gang-related arrests. The city's gang problem peaked in the 1980's and early 90's before an anti-gang strike force that was formed in 1993 made several big busts. Four new members recently joined the unit, which had been downsized over the years.

When Harris County sheriff's officials released information on a suspect in an attempted sexual assault by a police impostor, they also let motorists know that if they are being stopped by an unmarked car that they're not sure is legitimate, they should safely proceed to a well-lit area where there are witnesses. Lt. Ruben Diaz said that in Harris County, officers in unmarked cars do not make routine traffic stops.

At the Pasadena Police Academy, older cadets seem to be more common these days. The latest group of 20 trainees includes a former school teacher, a former restaurant manager, a retired Marine with 23 years of service, and a 20-year police veteran from Maryland.



FAR WEST

CALIFORNIA — A jury has ordered the San Marino Police Department to pay \$4.5 million in compensatory damages to Patrick Gillian, a high school girls' basketball coach who was arrested but never charged for allegedly molesting a girl. After the arrest, police showed his mug shot in a news conference and then released him. Gillian was put on paid suspension while police investigated. The district attorney's office then decided not to file charges.

Stanislaus County sheriff's investigators have backed away from their initial theory that Andres Raya, a U.S. Marine who killed Ceres police Sgt. Howard Stevenson before being shot to death himself, purposely committed "suicide by cop" to avoid being sent back to Iraq. Investigators subsequently determined that Raya had been a gang member with a checkered past before joining the Marines. The Jan. 9 incident in which Stevenson died occurred after Raya, who was high on cocaine, entered a liquor store with a shotgun. Officer Sam Ryno responded to a call and was shot several times by Raya. When Stevenson showed up, Raya shot him twice in the head. Police pursued Raya and killed him during a gunfight.

A Los Angeles jury on Jan. 18 awarded \$2.4 million to two white Inglewood police officers who had sued the city for discrimination. Officer Jeremy Morse was fired after he was seen on videotape punching a handcuffed suspect in the head and slamming his head into the patrol car. His partner, Bijan Darvish, was suspended for 10 days for failing to report Morse's conduct. Both officers say that a black officer who hit the suspect with a flashlight received only a short suspension. That officer later resigned.

IDAHO — Two Royal Canadian Mounties had to be rescued in Idaho's Boundary County when they strayed south of the border while patrolling on snowmobiles and their machines got stuck. The Mounties were found by a volunteer search team.

Police in three northern Idaho jurisdictions are investigating reports of a serial peeping tom who calls women and tells them they could help a police investigation by undressing and standing in front of a window.

WASHINGTON — Seattle Police Chief Gil Kerlikowske has issued a policy requiring city police officers to obtain permission before taking off-duty jobs. The move came in response to potential conflicts of interest posed by officers working in nightclubs with prostitution and drug problems.

Tacoma Police Officer Michael Torres was convicted Jan. 21 on charges of child rape and molestation, and faces 20 to 26 1/2 years in prison. Prosecutors said Torres had the girl perform oral sex on him twice between November 1999 — when the girl was only 7 — and June 2002. Torres was fired hours after the verdict.

Try, try again. . .

NYS finally eases harsh 1970's drug laws

After years of trying to change the state's harsh, 1970s-era drug laws, New York lawmakers finally succeeded in December, but advocates for prison reform were disappointed that the changes that were finally made after so many decades turned out to be relatively modest and seem to affect so few of those serving lengthy, mandated terms.

There has been little dispute that the laws pushed through in 1973 by then-Gov. Nelson Rockefeller were excessive and out of step with the rest of the nation.

Manhattan District Attorney Robert Morgenthau, who has made no secret of his desire to see the laws reformed, has allowed some first-time offenders to plead guilty to lesser crimes, thereby sidestepping the Rockefeller laws. In fact, only 14 percent of 1,806 people charged in the past 20 months with Class B drug felonies have received state prison terms. The rest, according to a report by The (New York) Daily News, have been ordered into treatment programs, or received shorter jail terms.

The new law came about after an agreement among Gov. George Pataki, Assembly Speaker Sheldon Silver, a Manhattan Democrat, and Senate Majority Leader Joseph Bruno, a Republican from Brunswick. It was signed by Pataki on Dec. 14.

Its most significant changes concern the original law's A-1 and A-2 provisions. Under the new law, mandatory minimums for first-time offenders convicted of A-1 drug felonies will face sentences of 8 to 20 years, rather than 15 years to life. Judges will pick a fixed number of years within that range, eliminating the opportunity for parole. Convicts may get time off for good behavior, but must serve at least 85 percent of their sentences.

The law also doubles the quantity of heroin, cocaine and some other narcotics



After signing legislation to overhaul the state's Rockefeller drug laws, New York Gov. George Pataki hands a souvenir pen to entertainment mogul Russell Simmons (l.), one of the leading activists for reform.

that would trigger long sentences, from four ounces to eight ounces for possession, and from two ounces to four ounces for sale.

Changes in the law for those sentenced under the Class B felony provision shorten the mandated sentence for nonviolent offenders to three years from four-and-a-half years.

"Obviously we want full repeal, and it's not even close to that," Tony Newman, a spokesman for the Drug Policy Alliance, told The New York Sun. "But we feel it's a small step in the right direction."

One of the reforms that advocacy groups sought but did not get was full discretion for judges. For an A-1 drug offense, defendants must be sentenced to prison and not diverted into a treatment program.

"If we allowed New York City judges the discretion to send people to so-called diversion, without any encumbrance on them, they'd do what they always do, which is let them go," said state Senator Dale

Volker, an Erie County Republican and chairman of the Senate Codes Committee.

There are currently 446 inmates sentenced under the old Rockefeller drug law as A-1 offenders. The new law will give them the ability to appeal for a reduction of their sentences, or even be freed for time served.

According to data from the state's Department of Correctional Services, nearly half of the A-1 offenders were born outside of the United States from about 20 different countries. The largest faction outside of native New Yorkers consists of those from the Dominican Republic.

Hispanics made up more than half of the total of A-1 felons — 55 percent. Blacks make up one-third, and whites just 8 percent.

Because the Rockefeller laws linked length of sentence to weight of drugs seized, making no distinction between first-time low-level offenders and drug kingpins, it is unclear how many of the A-1 felons will be released.

Said Chauncey G. Parker, the state Director of Criminal Justice. "They range from counsers to kingpins. There have been cases where judges have said, 'I would give you less than 15 years, but the law doesn't allow me.' Now, we've also had judges say, on the record, 'I wish the law would let me go higher.'"

There are inmates like Wilfredo Schery, who ran a cell of a Colombian drug cartel that distributed thousands of pounds of cocaine a month. Schery pleaded guilty to an A-1 charge in 1996. He received a sentence of 20 years to life.

Then are those like Elaine Bartlett, who spent 16 years in prison after being caught delivering cocaine from New York City to Albany. A first-time offender, Bartlett was granted clemency in 2000.

"There's no one archetype," said Robert C. Newman, a staff attorney for the Legal Aid Society, which is reviewing some 280 cases filed in New York City. But, Newman told The New York Times, based on his experience there "are many more Elaine Bartletts in the system than kingpins."

Prosecutors go to the aid of victimized cops

Tired of the abuse heaped on the jurisdiction's law-enforcement officers, Riverside County, Calif., prosecutors have created a special unit that will deal only with those cases in which a deputy is the victim.

The unit was created in 2003 with a three-year, \$750,000 grant from the Governor's Office of Emergency Services. The unit supports two full-time prosecutors, one in Riverside and the other in Indio. Similar programs exist in Tulare and Contra Costa, said Kelly Keenan, Riverside County's supervising deputy district attorney.

"There was this perception that officers aren't victims; they're just doing their job," Keenan told The Press Enterprise of Riverside.

So far, six cases have gone to trial. The unit accepted 50 of the 77 cases referred to it during its first 11 months. Of those, 19 were resolved with either guilty pleas or jury verdicts.

Thus far, Riverside sheriff's Cpl. James Pope is the unit's only two-time victim. In 2002, he was one of several deputies responding to a call about a suspicious campfire on the Morongo Indian Reservation. When the 20 or so people scattered, one man took a shot at the deputies, no one was hit.

Jerry Joseph Lomas, 29, was convicted on six counts of assaulting a peace officer. He faces a prison term of up to 71 years.

The following year, Pope faced off with a man in Calimesa who would not give his name. According to testimony, when the man turned and reached toward his waist, a revolver flew out of his hand.

Kenneth Ray Burris, 47, was convicted on drug charges, but a jury acquitted him on charges of felony assault on a peace officer.

"A person willing to assault an officer puts the entire community at risk, because he's willing to assault any other citizen," said Tom Macomber, a deputy district attorney who is one of two prosecutors assigned to the Crimes Against Peace Officers squad.

Bad news & more bad news for Boston: homicides & citizen dissatisfaction rise

Just days after the final tally of Boston homicides showed last year to have been the deadliest since 2001, police and city officials received more bad news in the form of a 2003 survey that showed a marked increase in the number of citizen complaints about 911 service, excessive use of force by police, racial profiling and officers' professionalism.

The \$80,000 survey was conducted by a local market research firm that based its findings on telephone interviews with 2,023 Boston residents. While the police department has commissioned a public-satisfaction poll every two years since 1997, the results have never been widely distributed. Findings from the most recent survey were made public in January following a Freedom of Information Act request filed by The Boston Globe.

Among its key findings were that nearly half of African-American respondents considered excessive force a problem. By contrast, only one-quarter of whites agreed. A gap between black and white residents was also evident in answer to a query about whether officers are fair and respectful to all people; one-third of all respondents said they were not. The difference of opinion between whites and blacks on that question, which in 2001 was 21 percentage points,

911 service, excessive use of force cited as problems.

ballooned to 31 percentage points in 2003.

The survey also found that a greater percentage of Hispanics and blacks believed biased policing was a problem for the department. While the overall figure was 48 percent, 54 percent of Hispanics and 73 percent of blacks answered in the affirmative.

Seventy-two percent of survey participants said they had a favorable opinion of the department, a decline from the 77 percent favorable rating in 2001. And Boston's 911 emergency call system received its lowest rating at any time since 1997.

"I think 911 is something we have to constantly reassess," Police Commissioner Kathleen M. O'Toole told The Globe. "That's often a citizen's only interaction with the police department."

The survey results came on the heels of statistics which showed a 56 percent increase

in the number of homicides last year as compared to 2003, from 41 murders to 64.

According to figures reported by The Globe, 58 of the victims were male. The victims also included six children between the ages of 3 and 16. More than three-quarters of the victims were African American. Forty-nine were shot, nine were stabbed; two were bludgeoned; two were suffocated; two were strangled, and one was hit by a motor vehicle.

While significantly higher than the prior year, 2004's homicide tally was still far below the record set in 1990 of 152 murders — a 40-year high. However, the department set a record last year in terms of lowest homicide case clearance.

In 2004, only 38 percent of murders ended in arrests, warrants issued or suspects identified. That figure was 64 percent in 2003, while the average for the past 10 years was 53 percent.

The department has responded by adding three investigators and one supervisor to its homicide unit, according to Deputy Superintendent Daniel Coleman. The squad now gets help from detectives in districts, and the department's youth and drug units.

"It's just the way we do things," Coleman told The Globe.

The right to bare arms (and a lot more)

Houston cops are cleared to drop their pants to bag hookers

Undercover vice officers in Houston have been given the go-ahead to drop their drawers as part of a crackdown on the city's burgeoning prostitution problem.

While refusing to discuss the policy change in detail, Assistant District Attorney Ted Wilson said that Chief Harold Hurtt has revised a long-standing but unwritten departmental rule. Vice officers may now disrobe if necessary to persuade suspected prostitutes to negotiate sex acts.

The department ended a four-month sting operation in November that netted 56 arrests.

"Someone has to do something to shut these places down," Wilson told The Houston Chronicle. "It was just so widespread. It had almost gotten in your face."

According to police, there are 200 businesses in the city that act as fronts for prostitution. They are often advertised as day spas, stress relief clinics and modeling studios. It has been almost impossible, Wilson said, for police to make arrests at these businesses because prostitutes will not discuss their trade unless a man removes his clothes.

Prostitutes "set the guidelines," said Charlie Fuller, executive director of the International Association of Undercover Officers, based in Clarkrange, Tenn. Police, he told The Chronicle, are forced to the limits of what is

allowed in order to make arrests.

"I can assure you that these undercover officers don't want to get naked, but they don't have a choice," he said. "I don't think it's a major issue if the public understands why."

At the Phoenix Police Department, where Hurtt had served as chief before taking command in Houston, protocol demands that officers stop short of full nudity.

"A lot of major cities do allow full nudity, but we don't," said Sgt. Randy Forest, head of the Phoenix vice squad. "As far as we're concerned, that crosses the line."

In 2003, prosecutors in Maricopa County, Ariz., which includes Phoenix, threw out charges against 60 people arrested in a spa raid upon learning that full nudity and sexual contact had been used by sheriff's investigators to make the case.

Prosecutors in Florida last year decided not to pursue charges against more than 20 dancers arrested by Tampa undercover officers during a 2002 sting operation that consumed 800 hours in manpower and cost roughly \$25,000 over a two-year period.

The dancers who were arrested were charged with misdemeanor prostitution and released shortly after their arrests. Some were sentenced to probation and others credited with time served. A jury acquitted a club manager

of racketeering and prostitution-related charges.

While police administrators said that officers know physical contact is prohibited, detectives admitted during trial that they had touched dancers' bare breasts and were touched on their groins by the women.

One officer testified that he had decided it was okay to touch a dancer's breast. Another said that police were allowed to touch a woman's pubic region, but "we don't penetrate."

The Nashville Police Department was criticized this month for spending \$120,000 over a three-year period to foster sexual encounters between prostitutes and confidential informants. Part of a crackdown on the city's sex business, the practice helped the city close down 36 businesses believed to be selling sex.

Said Davidson County District Attorney Torrey Johnson: "Certainly, having video and audiotapes of the transactions is valuable. But going beyond that once the transaction has been completed is unnecessary from our point of view."

Wilson, the Houston prosecutor, told The Chronicle that he would not proceed with any local case in which a suspected prostitute was found to have engaged in sex acts with an officer.

"False" start:

California city puts alarm owners on notice

Having never been asked to get into it, Fremont, Calif., Police Chief Craig Steckler is not asking anyone's permission to get out of the burglar alarm-response business which, he says, puts an untenable strain on his agency's manpower.

Fremont is believed to be the first California municipality to switch to verified response, a protocol used by nearly two dozen other jurisdictions around the country that requires alarm companies to confirm a break-in or security breach before officers will be deployed to the scene. Calls from manually activated panic, duress or robbery alarms will continue to be treated by police as a high priority. Owners whose systems send false alarms of these types will be subject to fines.

In a letter sent last month to alarm-owning residents, Steckler announced the department's adoption of the verified response approach effective Feb. 18, 2005.

A 1998 plan jointly developed by the alarm industry and law enforcement has shown little effect in reducing false alarms, he said. Under the Model States Plan, an ordinance was to be developed that contained provisions for establishing a fine structure for false alarms and a permit that would make it easier for police to know whom to contact at the scene.

The plan resulted in only a modest reduction in false alarms — 20 percent to 30 percent, according to Steckler. Over the past 12 months, the department has responded to 7,000 alarms of which 6,900 were false. And of the 40 local alarm companies that were supposed to provide the department with a customer list and advise customers that a permit was required, only three had done so in the past four years.

"I hope you will understand that our core mission is public safety through the apprehension of suspects who do commit crimes," Steckler's letter said. "We are policing the 14th largest city in California and the 98th in the United States, and we are doing it with less police officers per capita than any other city with a population of 200,000 or more."

Fremont has 89 officers. The loss of 52 employees, 24 of them sworn personnel,

Security Dealers —

STOP VERIFIED RESPONSE in its tracks

before it comes to your city.

SOUNDING THE ALARM: The header from a memo that was sent out by a California alarm-industry group.

during a recent budget downturn has led to modification or elimination of initiatives including the department's five-officer Street Crimes Unit, its DARE program, and virtually all of the agency's crime prevention programs, Steckler noted.

Verified response, he said, would save the department \$600,000 a year in staff time and equipment usage.

"In my 38-year history in law enforcement, no alarm company has ever approached law enforcement and asked if it was all right to enter into a private contract with a customer and use a public agency to service the contract," Steckler said in his letter to residents and alarm system owners. "The alarm industry has just concluded that they can sell alarm systems and the public will pay for any response to the alarm whether it is a real crime or a false alarm."

By instituting verified response as a departmental policy, Steckler was able to bypass a City Council hearing, a step that has often spelled doom for other jurisdictions' attempts to adopt the protocol. [See LEN, April 15, 2003.]

Three or four other cities have taken the same approach, noted Shanna Werner, verified response coordinator for the Salt Lake City Police Department and a widely acknowledged expert on the issue.

"In the case of Fremont, there was no public hearing in front of the City Council, so the alarm industry created its own public hearing — sponsored by the Chamber of Commerce," Werner told Law Enforcement News.

Sending inflammatory "scare-tactic"

letters to home- and business-owners has become standard practice within the industry, she said. Such a letter would appeal to users as taxpayers and warn that cities that have gone the route of verified response have seen increases in burglaries.

"Whenever any city mumbles 'verified response,' the letters go out to all users," said Werner.

Fremont will be the 23rd jurisdiction to make the switch to verified response, and in July, the city of Turlock, Calif., will follow suit, she said. Milwaukee, with 700,000 residents, is the largest city after Las Vegas to have implemented it.

"[Milwaukee] Chief Nanette Hegerty was quoted in a paper saying the alarm industry is the 900-pound gorilla police need to be able to get around to go to verified response," Werner told LEN.

Since Milwaukee adopted a verified response protocol last September — the first city east of the Mississippi River to do so — the police department is responding to 2,000 fewer calls a month, said Assistant Chief Joseph Whiten who represented Hegerty in January at a meeting of the Common Council's Public Safety Committee.

The results of the policy's first six months will be reviewed by Hegerty, who will report back to the committee.

In Fremont, the case against changing policy was inadvertently aided by a robbery several days before the public hearing on Feb. 3. Thieves made off with \$20,000 worth of rifles and handguns from a firearms store. Police arrived 22 minutes after the shop's alarm went off at approximately 4 a.m.

"The deterrent effect of an alarm system is the police response," said Ron Walters, a representative of the Security Industry Alarm Coalition, who spoke at the meeting.

Steckler accused the alarm industry of trying to inflame the community. While he said he would consider holding off on implementing verified response for a reasonable amount of time, Steckler told an angry crowd not to "plan on the police department participating in six months of community meetings, because it's not going to happen." The San Francisco Chronicle reported.

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New hands at the helm

Despite strong opposition from Democratic lawmakers, the U.S. Senate this month confirmed the nomination of White House counsel **Alberto R. Gonzales** as the nation's next attorney general. He becomes the first Hispanic to hold the post.

Gonzales, 49, was confirmed by the narrowest margin of the past 30 years — 60 to 36. At issue was his role in shaping counterterrorism policies that some believe led to the abuse of prisoners in Iraq and at Guantanamo Bay, Cuba.

Supporters tended to focus on Gonzales's personal history. The child of migrant workers in Texas, he grew up in a home without hot water or a telephone. Gonzales attended Rice University and then Harvard Law School. Prior to his becoming White House counsel, Gonzales served as **President Bush's** general counsel in Austin when the President was governor of Texas.

The confirmation vote was split along partisan lines, with just six of 41 Democrats supporting Gonzales. In fact, fewer Democrats voted for him than did for his predecessor, **John Ashcroft**.

At the heart of objections to Gonzales's nomination was a 2002 Justice Department memorandum Gonzales wrote in which he called some of the provisions of the Geneva Convention " quaint " and " obsolete . " In another memorandum written to Gonzales from the Justice Department that same year, presidential powers were given a broad definition, while torture was narrowly construed.

In defense of Gonzales, however, Republicans praised his legal opinions as essential in the post-9/11 world.

Republican Senator **Mitch McConnell** of Kentucky told *The New York Times* that Gonzales had " explored every possible legal means " to detain terror suspects. To do less, McConnell said, would have been a " dereliction . "

Among the issues Gonzales will grapple with as the nation's chief law-enforcement officer are recent decisions by the U.S. Supreme Court and lower appellate courts that cast doubt on the administration's authority to hold foreigners at Guantanamo Bay. The prosecution of men believed to belong to a " sleeper cell " in Detroit has

collapsed, as well.

Gonzales must also spend time this year persuading lawmakers on both sides of the aisle to extend the provisions of the USA Patriot Act, which is due to expire at the end of 2005. Democrats as well as some Republicans are pushing to have the statute's sweeping powers curtailed.

A chief architect of that statute, **Michael Chertoff**, was sworn in as the new Secretary of the Department of Homeland Security on Feb. 15.

Chertoff, 51, had been a judge on the U.S. Court of Appeals for the Third Circuit in Philadelphia. As an assistant U.S. attorney in New York City during the 1980's, he won a major case against the five-family " communism " that ran organized crime in the city.

More recently, Chertoff served as head of the Justice Department's criminal division where, in the aftermath of the Sept. 11, 2001, terrorist attacks, he moved to increase the FBI's authority to conduct domestic surveillance and the use of material witness warrants to indefinitely hold terror suspects without charges.

Chertoff was subjected to two days of intense questioning by members of the Senate Committee on Homeland Security and Governmental Affairs. He was confirmed by a vote of 98-0.

Oldie but goodie

These days, law-enforcement officers who are military veterans tend to be those who have served in Iraq, or during the first Gulf War, or maybe, in the case of some senior officers, even Vietnam. Very few, if any, who fought in World War II are still on the job.

Those select ranks include Cleveland Heights, Ohio, police Capt. **Roland Salcer**, who turned 80 in December. Salcer is believed to be the oldest working officer in Ohio, and among the oldest in the country.

Born in Cleveland on Dec. 27, 1924, he joined the force in 1951 after military service that included fighting in the Battle of the Bulge. He and his first partner, Rudy Habe, patrolled the city in a Buick station wagon. In addition to fighting crime, they also doubled as the city's ambulance drivers.

Salcer still drives with one foot on the gas and the other on the brake, the way the wagon had to be driven, said his son, **Tim**

After Salcer became a detective, he headed the state's first suburban narcotics unit.

Chief **Martin Lentz** is his boss and a longtime friend, who calls Salcer his " quality control . " The city jail has had perfect state inspections since Salcer has been running it.

" When he does a job, I don't worry about it being done , " said Lentz.

Salcer said he intends to beat the record held by Milwaukee police Lt. Andrew Anewenter, who died in 2003 at the age of 87. Anewenter passed away just months after ending his 61-year career.

" As long as the chief will have me, I'll stay , " Salcer told *The Associated Press*. " I'd hate to even think of giving it up . "

That's a view shared by fellow Ohio lawman **Anthony "Buster" Ross**, the police chief in Girard.

At the age of 79, Ross is considered to be the oldest chief still on duty in the state. In 1997, he sued the city for age discrimination. He won, collected some money, and stayed on for another eight years. Ross will retire on Feb. 28.

" I had a very good run , " he told *The AP*. " I know I haven't always been right. I've made mistakes but I own up to them. When I'm right, I know it. This is my last hurrah . "

Ross plans to spend his days visiting hospitals and nursing homes, where he'll sing Al Jolson, Jimmy Durante and Eddie Cantor songs.

Dual identity

The Worcester, Mass., Police Department will give new meaning to the term cutting-edge law enforcement when it literally splits into two branches, one that will answer 911 calls for service, and the other that will respond to neighborhood concerns.

The concept of a " split force " is the brainchild of **Gary J. Gemme**, the agency's new chief. A 21-year veteran of the force, Gemme was sworn in in January after having served as acting chief since October. Gemme replaced Chief **Gerald J. Vizzo**, who retired after 10 months in the post.

Under Gemme's plan, a 48-member Community Impact Division has been created that draws from a cross-section of the department.

" We have 30-year officers volunteering

for foot patrol , " Gemme told *The Worcester Telegram & Gazette*. " That tells me there's a lot of enthusiasm for community policing . "

He has also gotten buy-in from City Council members.

" I understand resources make a difference, and we will try to make sure the funding is there , " said City Manager **Michael V. O'Brien**.

About \$500,000 has been set aside by the city to provide the department with new cars, computers and communications equipment. The agency will buy 12 new cruisers and use \$20,000 to transform its former community services division office into new space for the Community Impact Division.

" That was a promise kept , " said Gemme. " It gives us the infrastructure to make the Community Impact Division a reality. The key for them is training, learning problem-solving, getting other city services involved . "

Monroe's doctrine

While statistics can be helpful indicators of a community's crime problem, they rarely tell the whole story. That's why Richmond, Va.'s new police chief, **Rodney Monroe**, said he will listen more to citizens' problems and rely less on the numbers.

Monroe, 47, is a veteran law enforcer who spent the majority of his career with the Metropolitan Police Department in Washington, D.C. Highlights from his 22 years there include coordinating and managing the Million Man March in 1995, and a presidential inauguration in 1997.

In 2001, he left the MPD to take command of Macon, Ga.'s police force.

" He reorganized the entire department , " Macon Mayor **Jack Ellis** told *The Richmond Times-Dispatch*. " He jettisoned some people who didn't want to get with his program. They were shown the door, and some were demoted, but he's not vindictive. He's a by-the-book guy when it comes to police officers. Everyone has a chance with him . "

Monroe beat out 60 candidates for the chief's job in Richmond. He replaces former chief **Andre Parker**, who returned last month to the Illinois State Police with \$80,000 in severance pay from the city. As it turned out, Parker had never quit the state police but had instead taken a leave of



The nation's new Attorney General, Alberto Gonzales (above left), greets employees at the Department of Justice who welcomed him to work on Feb. 4, his first day on the job. On Feb. 16, Michael Chertoff reprised the scene, as the new Secretary of Homeland Security was welcomed by staffers there. (AP WideWorld)

absence. He served in Richmond for two and a half years.

Parker's use of spreadsheets to prove declines in crime of 10 percent to 12 percent, and his propensity for saying that "lifestyle choices" had led to the deaths of Richmond's murder victims, had apparently not earned him many friends.

"The citizens in my district felt like they were being blamed for the crime in their neighborhoods," said Councilman **Chris A. Hilbert**, who represents some of Richmond's most troubled areas.

Parker left behind a 700-strong department with an understaffed and overworked investigative division. Flagging officer morale, coupled with a number of police-involved shootings over the past four years, has led to a difficult relationship with the community.

Last year, Richmond had at least 95 homicides and was recently ranked ninth among the country's most dangerous cities, according to *The Times-Dispatch*.

Although Monroe has revealed few details about his plans, he has hinted at a return to community-based policing as a means of building greater trust with residents. He will also be reviewing the department's resources to see whether they can be used effectively to reduce Richmond's homicide rate and major crime.

"I'm not a bean-counter," he said. "Yes, we pay attention to whether crime is going up or going down, but...we have to pay attention to citizens' problems as they see them in their community and address the problems from their perspective."

Macon's loss is Richmond's gain, said a spokesman for Washington Chief **Charles Ramsey**.

"[Monroe's] someone who cared about the department and the community he served," said Officer **Kenneth Bryerson**. "He a good man, a consummate professional."

A model detective

Stephen Leighton is a real detective with the Martin County, Fla., Sheriff's Department — he also happens to look as if he plays one on TV.

With his spiked blond hair, toned body and blue eyes, Leighton, 27, could have had a career in modeling had it not been for his interest in police work. As it is, he splits his time between posing and law enforcement.

"My ultimate goal is to be sheriff, not the guy on the cover of *People* magazine," Leighton told *The Palm Beach Post*.

He joined the department four years ago after graduating from Florida State University with a bachelor's degree in criminology. Leighton's rise through the ranks has been swift. As a lead investigator last year, he cracked a lawn-equipment theft ring and was part of the team that helped in the arrest of **Eugene McWatters**, a suspect in three murders.

A member of the agency's SWAT team, Leighton received a lifesaving award last year, along with sheriff's Lt. **Mike Ewing**, for their rescue efforts at the site of a July 22 building collapse.

Leighton was discovered in middle school and made his debut at the Treasure Coast Mall modeling back-to-school clothes.

In addition to modeling for Aquata, an



Det. Stephen Leighton
Duty comes first

international windsurfing and sailing catalog, Leighton has had two casting calls: one for Gillette razors, and the other for Goodies Department Store. He has also met with the producer of his favorite show, *CSI: Miami*, and is hoping to land a guest role.

Following a hiatus from modeling that began after he left college, Leighton took it up again after winning third place in photography at the American Modeling and Talent Convention in Orlando last summer. The event drew 1,300 contestants.

Said Leighton: "I've been asked by two agencies to move to L.A., but I'm not willing to risk what I have and gamble it away."

He collects a few thousand dollars for a photo shoot, his job as a deputy pays him \$39,800 a year.

Leighton is currently focusing on juvenile cases, everything from runaways to breaking up underage beer bashes to solving crimes committed by minors. "I go from glitzy mansions in South Beach to a trailer park where the younger people need the attention and the care," he said. "When someone is younger, they are more likely to listen to someone their age than someone older."

Leighton said he does take some ribbing from his colleagues, who call him "GQ" and "Pretty Boy," but Sheriff **Robert Crowder** has no problem with his modeling as long as he is not doing Victoria's Secret.

"Most of the deputies have side jobs," Crowder told *The Post*. "Stephen's a little unusual, and I think he gets some teasing over it. But he is a fine deputy, and I am proud to have him."

Rotten timing

Four veteran Chicago police officers were arrested in January after their attempt to steal cocaine and cash from drug dealers was observed by undercover detectives from their own department who had the dealers under surveillance.

Federal charges were brought against officers **Broderick C. Jones** and **Corey A. Flagg**, both 34; **Eural J. Black**, 41, and **Derek A. Haynes**, 35.

Prosecutors believe Jones to have been the group's ringleader, recruiting other

officers to help rob dealers singled out by **Joseph E. Wilson**, an alleged drug dealer and co-conspirator.

In fact, it was Jones's presence on July 21, 2004, at the site of the attempted robbery that drew the attention of the undercover officers. Jones had been put on desk duty and stripped of his police powers after being accused of allowing a shooting suspect to escape in 2003. His beige Cadillac Escalade had a Fraternal Order of Police sticker on it.

The undercover officers informed internal affairs, and they in turn brought in the FBI, according to prosecutors.

"There are other people involved and other officers involved," U.S. Attorney **Patrick J. Fitzgerald** told *The Chicago Tribune*. "We're acutely aware of that. And if I were the other officers, I'd be picking up the phone and calling us, because we intend to get to the bottom of it."

If convicted, the four officers face sentences of 10 years to life in prison.

Nothing is stated in the complaint as to how the group came together, but all of the officers worked in the Englewood District at some time, said Fitzgerald.

That has raised new questions about the death of Officer **Eric Lee**. Flagg was one of the plainclothes officers who were with Lee when he was killed in Englewood in 2001. Although Cook County prosecutors convicted **Aloysius Oliver** of the crime last year, his attorney, assistant county public defender **Marijane Placek**, is planning a motion to vacate his conviction.

Placek said she was not allowed to explore other theories surrounding Lee's murder. She was prevented from going into Flagg's and Jones's backgrounds as outlined in the police Office of Professional Standards records.

Authorities say that the ring was successful only once out of the four attempts it made to shake down dealers.

On Aug. 16, 2004, Flagg and Jones robbed a dealer whom Wilson had arranged to meet behind a car wash. Jones had been contacted by Wilson to stage a mock arrest made to look like they had legally seized money and drugs. They even pretended to arrest Wilson.

"We can surmise that they [the drugs] made it back into traffic," said Police Supt. **Philip Cline**. "I don't know offhand."

Breaking 'em up

The word is that Charleston, W.Va., Police Chief **Brent Webster** has everything one could want in a supervisor, including a wicked sense of humor.

"He can really bust a gut," said Webster's sister, state Delegate **Carrie Webster**, a Kanawha Democrat.

At 35, Webster is Charleston's youngest chief in recent memory. He joined the department in 1994 after graduating from West Virginia University with a bachelor's degree in political science and a minor in sociology. Prior to his appointment, Webster had been a lieutenant and the department's chief of detectives.

"I just think it's a very good appointment," Lt. **John Shannon**, head of the agency's traffic division, told *The Charleston Daily Mail*. "He's a bright guy, he has a very sharp mind, and he's level-headed."

Mayor **Danny Jones** said he "takes

exception" to the idea that an officer can only expect to be made a chief toward the end of a career. Webster was his first choice, he said, going as far back as when he was elected mayor in May 2003.

Though offered the position at the time, Webster declined because he did not feel he was seasoned enough, Jones recalled.

Webster replaces Chief **Jerry Pauley**, who was asked by Jones to resign last month. The ongoing violence on the city's West Side is said to have been a major factor in Jones's decision.

Pauley, who served with the department for nearly 33 years, said he was surprised and disappointed by Jones's decision.

"He didn't say and I didn't even ask him," Pauley said when asked if he knew why he was being forced out. "This position is an



Chief Brent Webster
Youth shall be served

appointed position by the mayor. It's his right to replace the chief any time he feels necessary, so that's what he did."

Pauley said he wished his successor well, but hoped Webster knew what he was getting himself into.

"Hopefully he can handle it," he said.

The promotion of Webster over others in the department with far greater seniority may cause friction, but Webster believes that any differences can be worked out through good communication and respect.

Among his plans for the department is a warrant sweep in which officers would go knocking door-to-door to pick up criminals on outstanding warrants. When the Kanawha County Sheriff's Department conducted such a sweep in January, deputies brought in 24 suspects wanted on 40 charges in less than a day.

Webster said he also wants to enforce a stricter dress code and establish fitness requirements. He will work with West Side community groups whose help the department needs to fight crime in the area, he said.

"Problems on the West Side, with its subsidized housing units, are a lot bigger than the police," said Webster. "The building commission can help us out. The community can help us out."

MOVING?

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'Broken Windows,' 22 years later:

In its March 1982 issue, *The Atlantic Monthly* ran a cover story titled "Broken Windows," by professors James Q. Wilson and George L. Kelling, which would ultimately change much of police thinking about law enforcement and order maintenance. The phrase "broken windows" itself has assumed a place in the working vocabulary of police. In November 2004, Wilson and Kelling addressed the semi-annual meeting of the Police Executive Research Forum in Los Angeles on the subject of "Broken Windows 22 Years Later," from which the following transcript is excerpted and adapted.

James Q. Wilson is the Ronald Reagan Professor of Public Policy at Pepperdine University in Malibu, Calif. He is the author or co-author of 14 books and numerous articles, speeches and research studies. He was a 2003 recipient of the Presidential Medal of Freedom, the nation's highest civilian honor.

George Kelling is a professor in the School of Criminal Justice at Rutgers University in New Jersey, and a Fellow in the Program of Criminal Justice Policy and Management at the Kennedy School of Government at Harvard University. He is also a senior fellow at the Manhattan Institute. He is the co-author, along with Catherine M. Coles, of "Fixing Broken Windows" (The Free Press, 1996), and of many other reports, articles, books and studies.

JAMES Q. WILSON: For many, many years George and I have been riding around in police cars and walking beats, especially when we were a lot younger, trying to learn as much as we could about law enforcement. We didn't learn enough for either one of us to be qualified as a law-enforcement person, but I think we did develop a profound respect for this function in our society and the men and women who work in this area. During the course of the things we've written and said, we've occasionally made criticisms of policing in the United States, but these are the friendly criticisms of admirers of the system, not the hostile remarks of opponents of the system.

In the Beginning

Most of you know full well what the "broken windows" theory was, but on the off-chance some of you were born after 1982, let me just indicate the logic of it. At that time, the Police Foundation was involved in testing the concept of foot patrol in Newark, N.J. When we did that, we were told by virtually every police chief that foot patrol would not have any effect on the crime rate because criminals would find it easy to avoid the police. We did a very intensive evaluation of it and discovered that the police chiefs were exactly right; it had no influence on the crime rate. But the citizens loved it. So we had a choice. We either said the citizens were deluded and thought the crime rate was going down when it was not, or that the citizens were interested in something else. They were interested in the maintenance of order; they were interested in walking the streets secure; they were interested in seeing no graffiti on the walls, they did not want abandoned cars, they did not want potholes in the street; they did not want traffic lights that didn't work, and they did not want aggressive panhandlers or hostile youth gangs harassing them. So we made an argument for the importance of order maintenance. At that time, order maintenance was a difficult thing to do because not many police officers got rewarded by arresting one prostitute or one gang member, much less trying to persuade some other city department to fill in the pothole and repair the street light. But we thought all of these things were important. We also offered the theory — and I think we clearly labeled it as a theory — that if you would maintain order in a neighborhood, the good people would take back the streets and by taking back the streets would drive the bad guys off the streets, and so crime rates would go down.

That was 22 years ago. Now policing has changed, and certainly in important ways. We have the terrorism issue. We know that crime is down, in large measure (though not

exclusively) as a result of what law enforcement has done, and we know that police once again, with low crime rates, are facing pinched budgets. But despite this, despite terrorism and its great importance, despite the fact that crime is down... the fundamentals of policing in this era have not changed. We still have the goal of maintaining order and arresting criminals. Broken windows is not a police strategy. Broken windows describes a goal for policing for which many strategies might be available. Broken windows is a symbol borrowed from the writings of a Stanford psychologist about what happens in two buildings if one window is broken and left unrepaired: soon all of the windows are broken. The goal, therefore, is order maintenance, and that's what the phrase "broken windows" means.

What the People Want

To achieve public order, any number of strategies may be possible. We now hear a great deal about community-oriented policing and problem-oriented policing. These are all useful concepts. But community-oriented policing and problem-oriented policing are about the means to the end, because if you have community meetings, if you design

Wilson: "Broken windows as a goal, and community-oriented policing and problem-oriented policing as means to that goal, is not about police officers going soft."

problem-oriented policing, you will quickly discover that what the people want is more order. And that order may have to be delivered not simply by the police department, but by a wide variety of city, county and state agencies and even voluntary associations.

Broken windows as a goal, and community-oriented policing and problem-oriented policing as means to that goal, is not about police officers going soft. George and I never suggested that police officers should carry rubber guns, or acquire degrees in sociology. (Though some of you may have degrees in sociology, this defect on your character will not be observed by most of your superiors.) Broken windows and these other techniques for achieving public order are designed to improve the quality of life. This can often mean being tough, but being tough about things that people care about. It also means being tough with respect to other city and county agencies, because many of the things people will tell you need to be done in your community cannot be done by the police acting alone, and therefore, they must act with other government agencies.

In the "broken windows" essay we pointed out that people were keenly aware of the conditions of public order. They didn't have to be persuaded of this. When the squeegee men were taken off the streets of New York City, the people immediately saw the difference this made. And the improvement of the morale of the people of New York City began with the removal of the squeegee men. Now you may think squeegee men are gone forever, but I recently came back from a trip to Sicily, and I can tell you, in Palermo there are squeegee men on every corner. Broken windows has not, to the best of my knowledge, been translated into Italian, so it may take them a while to deal with that problem.

People know about aggressive panhandlers, and although people have said, including the ACLU, that asking for money

is a form of protected speech, doing so aggressively or in a threatening manner is *not* a question of free speech; it's public harassment. And aggressive panhandling has to be controlled.

Zero Tolerance: An Impossibility

From time to time, I hear people in this country and elsewhere say that what George and I have talked about is zero-tolerance policing. I don't think George and I have ever used the phrase "zero tolerance." As a logical matter it's impossible. You cannot ask the police to enforce literally every law, every ordinance on the books all of the time. There are not enough police officers to do it, and even if there were enough police officers, it might not be a wise strategy. But we did endorse a concept of limited zero tolerance. That is to say, if you find a situation in which neighborhood gangs or aggressive panhandlers are threatening public order in a community, you may wish, indeed, to enforce many seemingly minor laws, misdemeanors, traffic offences — and do so vigorously in order to persuade the people who constitute a potential threat to order in those communities that they must not do it.

What do I think is the biggest need today with respect to broken windows? I don't think we in this country have yet had a really adequate test of this strategy. Policing adopts new programs the way no manufacturer would adopt a new product. When a manufacturer adopts a new product, the first thing they do is test-market it somewhere to find out if people like it. And if they don't like it, they change the product or change the price or change the marketing strategy. In policing, as in being a college professor, we do what we always have known what to do without testing the product to see if it makes a difference.

Now this is hard to do in small communities, but it is relatively easy in large cities in which some neighborhoods can be set aside as areas in which there will be a powerful emphasis on order maintenance by using all of the tactics and techniques that the police and other city agencies know how to bang to bear on it. And then when this test is done, there can be a systematic comparison of what happens — not simply to public order because we know public order is going to be improved, but what is going to happen to the crime rate in these areas compared to similar areas where these efforts were not done. Seeing what works in this area is vital.

Now there may have been such projects, but one is not enough. I've learned as a tired old social scientist that one study never settles anything. You have to have several studies to see if they cohere around a common conclusion. And if they cohere around that conclusion, then you're in a much better position to give advice to other communities here and abroad as to what to do about maintaining public order. With that, let me turn it over to George.

GEORGE KELLING: I've been a camp follower of policing now for well over 30 years, and have often been a wanted — or unwanted — researcher in a department, and often been a wanted or unwanted consultant in police departments.

Bottoming Out

It seems to me that policing pretty much bottomed out during the late 1980's. Literally, we lost control of the public spaces, and every prediction by every social scientist was: you think it's bad now; wait another 10 years and you're going to really see how bad it's going to be. In the early 1990's, a series of ideas, methods and theories came together and gave policing a new push. Briefly, those include problem-solving, Herman Goldstein's ideas that have been so very influential, not only in policing, but in urban government generally. Broken windows came along in 1982; in the mid-1980's we started to figure out that police had to collaborate to solve many problems. If you do a good problem analysis, you find out very quickly that police can't own most of the problems with which they have to deal. Compstat came along shortly thereafter and began to solve information-sharing problems inside of police departments and accountability problems within police departments. But unfortunately police departments and other agencies weren't talking to each other. And then, finally, the last breakthrough was CLEAR [the Citizen and Law Enforcement Analysis and Reporting system],

A forum with its founding fathers

which has solved the problem of managing information inside of police departments. My guess is that CLEAR, combined with Compstat, is going to revolutionize how we think about policing.

Attention Must Be Paid

Broken windows, or order maintenance, it seems to me, is a matter of police paying attention. Jim talked a little bit about zero tolerance, and as he described it conceptually, it doesn't make much sense. Physically, it's an impossibility. It *might* be [possible], for a limited geographical area for a short period of time. But it's time-bound and area-bound, and as a tactic it simply is not realistic. As I think many of you know, "zero tolerance" has been used in pejorative terms to suggest that the ideas of broken windows have been used to harass minorities and the poor and to criminalize the poor and the homeless. As a matter of fact, there's no evidence about that, and most

of the people who suggest that, I would suggest in turn, that they've never been near a police car, have never walked a foot beat, have not watched police do police work. When I say that police pay attention, what I mean is, they see something happening about which something needs to be done, and they do something. They might educate, they might warn, they might cite, they might arrest, but they make highly discretionary decisions. And for the most part, when observers go out to note their work, it's clear that observers, even those of us who were long-haired observers during the 1970's, mainly approve of what they see of police use of discretion. That doesn't mean that there's not unwise use of discretion, it doesn't mean that there isn't at times brutality and criminalization of particular groups, but for the most part, individual officers tend to use their discretionary powers quite appropriately.

Regarding broken windows, it seems to me nobody argues much that citizens will approve of and strongly approve of restoring order in cities. Even in the highly controversial work that was done in New York City, when citizens were surveyed about broken windows and order maintenance, the group that most approved the order-maintenance activities of the police were African Americans. Hispanics were second, whites were third. It's not hard for me to understand that, it makes complete sense. Why? Because it was African Americans and Hispanics who were most victimized, who were having to put their children in bathtubs so they could sleep, who were most affected by the disorder and the craziness on the street. So it's a safe bet that if police departments restore order, citizens are going to approve of it. It's also a safe bet that it's going to reduce fear. It's widely agreed upon that order maintenance reduces fear, and fear of crime. And if all it did was to gain citizen approval *and* restore order and reduce fear, that would be a good bet for me. I would buy in on those policies.

A Lot of Coincidences

I remember after "broken windows" was published, we had this debate over whether police concern about reducing fear is a legitimate goal. I don't think that's much of a debate any more. The debate amongst the academics, much more so than out in the field, has been on the impact of order maintenance on serious crime. Here, frankly, there are mixed claims. But even those who have taken the position that order maintenance is not strongly correlated with crime — and I think most of those studies are seriously flawed — even they agree that it has an impact on robbery. So if citizens approved of it, it reduced fear and it reduced robbery, again, it seems to me that it would be a good policy.

But I think we have much more than that because, while Jim is right, that we don't have many studies, we do have a lot of coincidences. In New York City, we have 74 coincidences

out of 76 precincts. That is, immediately after the implementation of broken windows, immediately after the implementation of order maintenance by the New York City Police Department, crime began a precipitous decline in 74 of the 76 precincts. Right now here in Los Angeles, under Capt Charlie Beck, they have implemented strong order maintenance



Kelling: "Scientists want to be 95 percent certain that findings aren't the result of some random pattern or event. That's not the world that most policy makers live in."

nance around MacArthur Park. Crime has not only dropped in the park, but in the area surrounding the park. In Baldwin Village, where, because of prosecutorial resources, we've had to rely primarily on order maintenance in dealing with gangs, once again violent crime has declined. Another coincidence: in skid row here in Los Angeles, which, when Bill [Bratton] first got here, looked like a third world country, order is slowly being restored and crime is dropping. I think we have enough coincidences that, while not scientifically valid, nonetheless would be a safe bet for a policy maker.

We tend in our experiments as scientists to be very, very conservative. We want to be 95 percent certain that the findings aren't the result of some random pattern or event. That's not the world that most policy makers live in. If a policy maker could have an 80 percent certainty, wow! The task of the policy maker and the practitioner, generally, is to make good decisions with bad data, and bad information.

And if a policy maker could be 80 percent certain, that certainly would be a better percentage than we have in most of the cases.

Broken windows — the theory — has also evolved. I've been going back quite often to read the article, to see if that's what we really said when it's represented or misrepresented. It's amazing how much has been put into broken windows by its critics that isn't really there — but that's another story.

A "Eureka" Moment

Within the idea of broken windows — and most of you know about this from [Bill Bratton's] hook — we had this wonderful moment in the subway when we discovered while we were trying to enforce laws against fare-beating that in some of the stations, seven or eight out of 10 who were arrested either were wanted on a warrant or were carrying an illegal weapon. That tipped us off to something we should have known — not that all fare beaters are criminals, because there are 250,000 a day, but that a lot of criminals were fare beaters. That idea has gained more and more strength as we think about it.

Go back to the early work on aggressive traffic enforcement. Jim [Wilson] and Barbara Boland found in a study which was replicated later that where there's aggressive traffic enforcement, certain kinds of crimes go down. Why is that? I would guess it's not because all lousy drivers are criminals, but because a lot of criminals are lousy drivers. In England, they checked into who was parking illegally in handicapped parking spaces. Well a good percentage were people with lousy driving records and with criminal records. Not all people who parked in handicapped parking spaces are criminals, but a lot of criminals park in handicapped spaces.

The point is, the real criminals, they're really busy. They're busy insulting people, harassing people. The squeegee men were off to one task after another. They'd extort money here, commit a few crimes there; they're really busy. What order maintenance did, and this is first noted in New York, but I suspect a lot of cops knew this, it gave them the opportunity to have contact with these people and to ask the next question. That opportunity to ask the next question has evolved out of order maintenance as a major means of continuing to control crime. So in all, given the number of coincidences, given the reduction in fear, given the approval of the citizens, it seems to me that order maintenance remains a pretty wise bet for most policy makers and police practitioners.



Professors George L. Kelling and James Q. Wilson join Los Angeles Police Chief William Bratton at an earlier forum on the "Broken Windows" theory of crime and disorder. (Milken Institute)

Amid concerns, Taser defenders stand firm

Continued from Page 1

said the Taser filled the need for an effective way to safely stop the "mind/body disconnect" suspect, who is impervious to pain due to mental derangement or self medication.

The majority of Taser deployments nationwide are "logical, reasonable, appropriate, and absolutely necessary," he said, but conceded that there have been a number of deployments "that appear to be misuse — if not outright abuse — of the spirit in which police officers should be using force in America."

Ijames told Law Enforcement News that he was not aware of any cases in which the Taser had been intentionally misused, but had seen instances where it was used as a tool to get a passive subject to obey commands.

The Taser works by interrupting a person's ability to control muscle function. When hit with the 50,000 volts of low-amperage electricity that the weapon delivers, a strong muscular contraction is induced and the subject topples to the ground, unable to move arms or legs.

"Most folks, most agencies, are looking pretty closely at a process that says... coercive use and passive people, right now, does not make sense for Taser in American police agencies," Ijames told LEN. "Even though you can argue that you may ultimately reduce injury potential — and that's a worthy goal — but somewhere there's a

balance between what the lay person will tell you is human rights and civil rights, and I don't want 50,000 volts because I sassed you."

What the public needs to realize, however, is that there is nothing to take the Taser's place, said Lt. Don Kester of the Pima County, Ariz., Sheriff's Department, who is chairman of the less-lethal section of the National Tactical Officers Association. "I think the numbers certainly speak for themselves as far as reducing injuries and saving lives," he told LEN.

Second thoughts

Still, given the controversy and their own experience with the weapon, some agencies have started to rethink its use. Among the agencies that have either suspended use of the stun gun or limited its deployment is Chicago.

Supt. Philip Cline this month said that the department would not distribute another 100 Tasers while it conducted an investigation into a man's death and injuries to a teenager after being shocked. The department will continue to use the 200 weapons it has already deployed, he said.

Since adopting the Taser in 2003, Chicago officers have used the weapon about 160 times. It was used in February on Ronald Hasse, 54, after he began fighting with police at an apartment building. Hasse went into cardiac arrest and later died after being

stunned to prevent him from biting and kicking officers.

The results of an autopsy on Hasse by the Cook County Medical Examiner's Office are pending further investigation.

In a separate incident just days earlier, a 14-year-old boy who was well over six-feet tall and weighing 220 pounds was hospitalized after being shocked by Chicago police during a violent outburst at a residential facility.

Another police executive, Chief Rusty York of Fort Wayne, Ind., said he had decided to wait before buying 83 Tasers with a \$90,000 federal grant.

"I just based my decision on concerns I had over reports that Taser use, in combination with the possibility of high drug levels in offenders, could possibly result in a serious injury or fatality," he told The Columbus Dispatch.

In Bellingham, Mass., Chief Gerard Daigle said that he had seen nothing yet that would make him change his mind about deploying Tasers.

"I basically haven't gone that direction yet, as far as purchasing," he told LEN. "My general stance at the beginning of all this was to sit back and see how all this developed... I have a feeling the more it gets used, the more court cases we're going to have. I don't see it as a pressing need right now."

Seeking reassurance

Lieutenant Kester believes that agencies are becoming increasingly hesitant due to pressure from the media and groups like Amnesty International. While departments are still aggressively deploying Tasers, he said, police administrators are looking for more reassurance that it is a safe weapon.

The Justice Department has already contracted with a researcher at the University of Wisconsin to examine how electrical currents move through the body. Another federal study will be conducted at Wake Forest University to look at injuries caused by Tasers and other similar weapons.

A \$40,000 grant from the National Institute of Justice will be used by the LACP to develop guidelines for use. The organization has also asked local departments to review their own practices regarding the weapon.

But in spite of the new cautionary tone, the Taser continues to have more supporters in law enforcement than it does detractors.

In Cincinnati, for example, it has been credited with sharply reducing the number of injuries to suspects and officers. Its adoption by the agency was a requirement of a consent agreement the city reached with the Justice Department in April 2002.

Pending City Council approval, the Boynton Beach, Fla., Police Department will add 26 Tasers to its arsenal. The purchase had been delayed by Chief Marshall Gage until the completion of a review which found that injuries to suspects and officers had decreased as a result of use of the stun gun.

Delray Beach, another Palm Beach County locality, saw its Taser use fall from 93 times in 2003 to just 28 last year. In an interview with The Palm Beach Post, Police Chief Joseph L. Schroeder theorized that awareness that officers carry the weapon has led to greater compliance by subjects and has thus eliminated the need to actually use the Taser.

One of the issues to have surfaced in the midst of the controversy is the use of Tasers multiple times on recalcitrant subjects.

The Lucas County, Ohio, Sheriff's Department halted its use of stun guns in January after the death of a suspect, 41-year-old Jeffrey Turner, who had been shocked nine times — five times by police and another four times by guards at the county jail.

Sheriff James Telb said the devices would not be used anymore until further safety studies were conducted. The agency has used stun guns about a dozen times since deploying them last year.

Last month, the Las Vegas police officially discouraged multiple shockings and banned the jolting of handcuffed suspects. Two people died in 2004 after being restrained and stunned more than once.

"Every problem is a nail"

When something works as effectively as the Taser, said Major Ijames, there is a tendency to use it in a variety of situations. "When your only tool is a hammer, every problem becomes a nail," he said.

Police agencies in Miami-Dade, Fla., and Rock Hill, S.C., were harshly criticized when their officers used Tasers on children and senior citizens [see LEN, December 15/31, 2004].

Ijames, who is authoring guidelines for the LACP on Taser use, said that the same rules for using force exist whether the tool is a stun gun or pepper spray. A strict interpretation of a Taser policy that authorizes the weapon's use to "prevent/deter assaultive behavior," or to "reduce the potential for injury to everyone involved," can also be stretched to justify other applications.

In an article he wrote to address the critical aspects of Taser use, Ijames used the example of a handcuffed and grounded female prisoner kicking at officers. Instead of just holding her down or getting out of kicking range, he said, the officers chose instead to shock her, justifying it as an attempt to "prevent" or "deter" her "assaultive behavior."

"You can justify force," he said, "[but] just because it fits in a box doesn't make it right."

Multiple shocks and unnecessary force are issues that law enforcement will have to regulate tightly, making sure that adequate policies and training are in place, added Kester.

"We have to get the point across to the folks out there that there is a right time, and a time that if you reach a certain point, maybe you've reached that point of diminishing returns and it's not being effective," he said.

But people need to understand that someone who needed to be zapped with a stun gun nine times would probably have been hit 15 or 20 times if the only available weapon was a baton, Kester emphasized. And "the injuries from the baton are going to be much more severe than anything the Taser did," he said.

Discrepancies also exist in individual department's policies, he pointed out. While the Taser may be low on one agency's use-of-force continuum, it may rank high on another's.

"I think we will see some tightening up of policies in certain places — at least until chiefs feel a little more comfortable and things calm down a bit," said Kester.

The company they keep: Taser under scrutiny

Just as the Taser has come under increased scrutiny in recent months, so too has the company that manufactures it.

Taser International, the NASDAQ-listed company based in Scottsdale, Ariz., revealed last month that it is cooperating with an informal inquiry by the Securities and Exchange Commission, reportedly triggered in part by a \$1.5 million sale to a distributor at the end of year.

Taser has also come under scrutiny for the cashing in by the company's principals and other insiders of \$91.5 million in stock in the last three months of 2004.

In November, Bernard Kenik, the former New York City police commissioner and, briefly, President Bush's nominee as homeland security secretary, sold stock options he held in the company as a member of Taser's board of directors and walked away with \$6 million.

Four police officials, whom Taser would not identify, citing privacy concerns, sit on a seven-member training board, but are not involved in purchasing decisions, according to company officials.

A Minneapolis police sergeant, however, was probed by internal investigators in December after department officials learned that he was not only training his own colleagues on how to use the Taser, but was being paid by the company to train officers elsewhere. The officer quit on Christmas Day to become Taser International's Midwest regional sales manager.

In an article cited by USA Today, John Gavin, president of the newsletter SEC Insight, wrote: "The investigation of a

Minneapolis police officer for an undisclosed financial relationship with Taser provides reasonable basis for political leaders across the country to begin asking if 'persons of influence'... were, in essence, bought by Taser."

The Securities and Exchange Commission is looking into the Dec. 31 sale of \$1.5 million worth of stun guns to Davidson's Inc., a firearms dealer based in Prescott, Ariz.

In a statement, Patrick (Rick) Smith, Taser's chief executive, said Davidson's has been a distributor since 1999. Its most recent order, he said, was received and shipped "in the normal course of business in the fourth quarter of 2004."

But analysts questioned the timing of the sale. Without it, said Robert Miceli of Gradient Analytics, the company would have come up short in its sales goals.

Taser's president, Tom Smith, dismissed suggestions that his father, board chairman Phillips W. Smith, and his brother Patrick, the CEO, had put their own financial enrichment ahead of disappointing corporate results. The \$91.5 million in stock sold was worth nearly double the company's annual sales of \$41 million.

"We haven't sold everything," Smith told USA Today. "But we didn't see why management shouldn't be allowed to participate along with investors in the growth story we've seen in the last three years."

Since 2003, Taser executives and directors have sold \$140 million in stock, more than 10 percent of the company's share.

Connecticut anti-crime info will soon be just a mouse-click away

A wealth of information about those whom Connecticut's state and local law-enforcement agencies come into contact with will now be at officers' fingertips, with the development of a new computer tracking system and revisions to the database already in use.

But that will depend on the state's ability and willingness to continue funding the project and hire enough staff to facilitate it in the midst of a hiring freeze, according to the president of the Connecticut police chiefs' association.

In all, Connecticut will be making an upgrade worth \$34 million to its Criminal Justice Information System. The largest share — \$26 million — will be spent on the Offender Based Tracking System (OBTS). Using this, an officer can find out with a single query whether a subject has a criminal record, is on probation, has a court case pending, or a history of violence. The system can also reveal whether the individual has a re-arrest warrant or a protective order in a domestic-violence case.

The inclusion of such information is made all the more meaningful in the aftermath of Newington Police Officer Peter Lavery's death in December. A 17-year veteran, Lavery was gunned down while responding to a domestic-violence call. Bruce Albert Carrier, an ex-convict and former correctional officer, fired a burst from an assault rifle while in the basement of his girlfriend's house. He later killed himself during a 19-hour standoff.

A state police report expected to be issued in several weeks may address the question of whether or not police knew the

shooter's identity and that Carrier was convicted in 2000 in New Britain for illegal possession of an assault weapon, according to The Hartford Courant.

Some \$8.5 million will be spent on revisions to Connecticut's COLLECT system, the software that officers and dispatchers use to access crime and warrant information from state and national databases. COLLECT provides motor-vehicle records, too. Instead of the "green-screen" that currently runs the program from a main-frame computer, it will be converted to a more user-friendly browser-based system.

To create the OBTS, the state's Department of Information Technology will take 15 computer systems located in eight different agencies within two branches of Connecticut's government. The data will be put into a repository. When the various components from the 15 systems have been examined and their information validated, OBTS will be made available to the state police and Connecticut's 100 municipal police departments. It may also be accessed by those involved in court operations, by prosecutors, and by employees in the state's parole, probation and corrections divisions.

The data collected pertain to 55 different events and functions, beginning from the time of an arrest until the time that the individual leaves any type of state supervision.

The project is scheduled to be completed by the fall.

"If it is built as it is originally envisioned, it will be a great thing, but like any other project, there is the resources issue, there is the funding issue, and can they actually get

where they're aiming," observed Chief James Strillacci of the West Hartford Police Department.

An ex-officio member of the CJIS project's governing board, Strillacci said that even with bond issues and other funding proposals, the budget is still tight. One idea is to add a small amount to the 911 surcharge on phone bills.

"That would be a great thing because it is sustaining," he told Law Enforcement News. "It is not a one-shot deal like a bond issue."

Another problem Strillacci foresees is staffing. It would take another 16 employees at the Department of Information Technology to run the system — this in the midst of a state hiring freeze, he said.

"It means that some parts of this are not going to be able to be supported until they get some people to do the work," said Strillacci.

But Terry Schnure, an assistant division director at the state's Office of Policy and Management, which is coordinating the project, said there is a commitment to make sure that OBTS is sufficiently supported.

Much of the state's infrastructure with respect to law enforcement and its information systems is provided through the information technology department, Schnure told LEN. That agency has withstood tremendous changes and evolutions over the past several years. In addition, a recession in the state prompted a series of layoffs and a wave of retirements through an early-retirement program.

"We're in the process of addressing that and recovering from that," he said. "But the confidence is there that it will be resolved."

House calls pay off for NYPD

A year-old New York City Police Department policy of making surprise visits to homes with a history of domestic violence has paid off with a 9.5 percent drop in the city's domestic homicide total last year, and a 1 percent dip in family assaults, officials say.

Domestic homicides in the city have been falling since 2001. According to the NYPD's year-end statistics for 2004, such murders have declined by 12 percent since then, and family assaults by 28 percent.

The NYPD credits the 53,359 unannounced calls made by officers last year.

"We don't wait for a crime to happen," Deputy Chief Kathy Ryan, who heads the department's 240-officer domestic violence unit, told The (New York) Daily News. "If everything is fine, the victim still knows that someone is looking out for her."

Last summer, the department began tracking domestic violence incidents at bimonthly sessions separate from regular Compstat meetings. One of the more troubling statistics has been the 8 percent rise last year in domestic rapes.

Other plans and initiatives include giving each precinct a digital camera so that injuries could be better documented. The department has also developed a new protocol for sharing a victim's domestic abuse history with district attorneys. By allowing prosecutors to access the NYPD's database, individual behavior patterns can be traced, and citywide trends established.

The database protocol was implemented in the aftermath of a study by the city's Health Department which found more than half of women between the ages of 20 and 50 murdered during a seven-year period were killed by their husbands or lovers.

Released last October, "Femicide In New York City 1995-2002," found that one-third were in their 20s, and nearly the same proportion were in their 30s. Women over 50 were far more likely to be killed by a stranger.

Of the 1,030 deaths of females over the age of 12 that were classified as homicides for those years, 339 were murdered by an intimate partner, 369 by others, and 322 were unknown, according to study.

Sixty-percent of the homicides took place in the victims' homes. One-third were stabbed and another third shot. Nearly a quarter of intimate killers committed suicide.

Nearly half of the victims — 49 percent — were black. Forty-six percent of those were killed by an intimate partner. Hispanic women, who accounted for a third of victims, were more likely to be killed by a spouse or boyfriend. Less than one-quarter were killed by somebody else.

Those most at risk, according to the study, were young, foreign-born women. Fifty-seven percent of foreign-born victims were killed by intimate partners, and just over half of all women killed in domestic homicides during the seven-year period were immigrants.

When rape fantasy turns from virtual to reality, NJ is ready with felony charges

After two New Jersey women narrowly avoided being sexually assaulted by men who believed they were fulfilling an online rape fantasy, state lawmakers passed legislation in January making it a crime to entice anyone over the Internet into committing a sexual offense.

Last year, local police in Beach Haven pulled over a man parked outside the home of a woman who he said had invited him over the Internet to rape her as part of a fantasy, according to Sgt. Mike Nevil, head of the Ocean County District Attorney's cyber-crime unit.

Nevil told Law Enforcement News that it was the second time the woman had seen her would-be assailant. The first time, he said, was a few days earlier when the man walked into her house and said, "Hey, I talked to you online."

Investigators tried to trace the message back using screen names, account-holder information and Internet provider log-ins, said Nevil. Eventually the suspect popped up online again about a month later.

"We went through the same exact scenario, this rape fantasy," he told LEN. "Through that, we wound up arresting him. When we did a forensic [examination] of his computer, we found a second victim."

Patricia Barbeck of Wood-Ridge was tending her lawn with her 2-year-old in April when a white sport utility vehicle pulled up at the end of her block. The driver told her

'A lot of the bosses, a lot of the older, more salty dogs on the job, don't think it's a big problem — but it's huge.'

that she had invited him to her house to act out her "rape fantasy."

As it turned out, investigators found that it was Jonathan Gilbert of Long Beach Island, a relative of Barbeck's through marriage, who had posted the invitation in a public chat room. He included Barbeck's name, her address, a physical description of her and of her home, and when she would alone.

The chat room posting came from "NaughtyAshley 25," a screen name used by Gilbert that was traced back to him by police.

He was sentenced to 10 years after pleading guilty to soliciting to commit aggravated sexual assault.

Neither of the men who showed up at the women's homes was charged. But under the law signed by acting Gov. Richard Codey last month, prosecutors would be able to go after "enablers," said Bergen County Prosecutor John Molinelli.

The penalty for luring chat-room participants or instant messaging partners into committing sexual assault is now a

third-degree felony carrying a penalty of up to five years in prison and a \$15,000 fine.

"The Internet can have a darker side," said Codey. "And unfortunately our laws don't always keep up with technology or the criminal mind."

Although police have only investigated three such crimes, Nevil believes them to be the tip of the iceberg.

"I don't want to say it's a new crime because it's something that's been happening for a while," he said. "A lot of the bosses, a lot of the older, more salty dogs on the job, don't think it's a big problem — but it's huge."

That type of computer crime is tough for local police departments to handle, said Nevil. A lot of the prosecutor's and sheriff's departments, he said, are at the "infant stage" of creating a cyber-crime unit. And federal agencies will often reject these cases because they do not involve either terrorism or child pornography, said Nevil.

"I think it kind of falls through the cracks," he told LEN. "We were just lucky enough to deal with it."

In Ocean County, said Nevil, investigators have documented at least 100 males in a population of 570,000 who seek sex with children online.

"We have their screen names, their addresses, and it's just a matter of not having the time or personnel to find them," said Nevil.

Good, bad & ugly:

Stressed-out cops, and one despicable rogue

Stress and the Police Officer (2nd ed.)

By Katherine W. Ellison, Ph.D., M.Div.

Springfield, Ill.: Charles C Thomas Publisher, 2004.

224 pp., \$52.95.

By Edward J. Shaughnessy

A challenge awaits the reviewer who looks for something critical to say about a book in its second edition. It is even more challenging to do so when the book is dedicated to someone who had been a long-time colleague. Nonetheless, the book deserves the careful examination that its title addresses.

Upon opening the shrink wrap that protected the book, as I was about to begin this review, the front cover fell off. The book is bound in stiff boards, which are easily wiped off with a damp cloth, presumably a practical gesture acknowledging the possibility of coffee cups landing on the cover. Clearly attention should be paid to strengthening the binding and the covers.

Dr. Ellison has expanded on an important topic in police work—stress. She notes wisely that the world of police officers and other emergency workers, to whom this volume might well be addressed, has changed dramatically since 9/11. Stress is still present. The stressors may have evolved and mutated, but the stressed are still with us. The most salient points about the phenomenon of stress are the difficulties in defining what it is, what stressors individuals and groups react to and, finally, how those stressed reactions are manifested.

These issues make a book like this difficult to write and clearly limited in offering any "magic bullet" solution. Dr. Ellison points out these limitations in her text repeatedly, reminding the reader that the complexities of stress management are many and great. She does a fine job in breaking down the kinds of stresses law enforcement officers face and the particular complexity of their jobs. She does this while at the same time disposing of the myths about police stress, which somehow make officers seem to be a peculiar class of vicims. They don't drink more or commit suicide more than others. They may have a significant degree of family strife and divorces but when, nationally, one in two marriages end in divorce, there may be a special dismay about the problems they have, but they are not alone.

Police officers are a microcosm of society at large. While they may tend to be from a civil service background, with so many immigrants becoming citizens and entering public service, there is a sea change in membership in the law enforcement community. While Dr. Ellison does not address the multiethnic and/or multicultural nature of policing, her section on "Stressors for Special Groups" could be more broadly developed. It seems to focus on African Americans in a two-page segment that could be expanded to include others. For example,

(Edward J. Shaughnessy, Ph.D., is professor emeritus of sociology and law at John Jay College of Criminal Justice, and an advanced emergency medical technician and certified critical incident stress debriefer.)

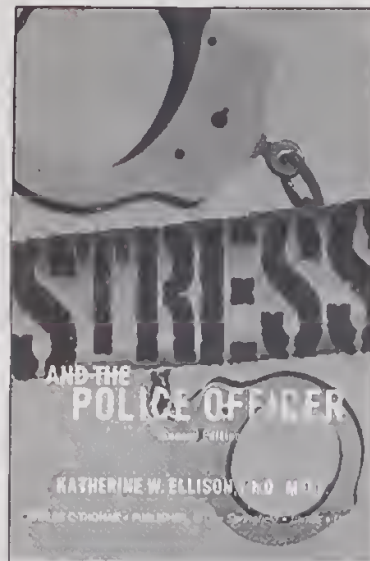
while Sikhs make up a significant part of the British police service, especially the Met, there has been no problem with their wearing their turbans as police officers—a religious requirement that did become a

matter of litigation in this country. No doubt there will be further issues of this sort, such as Muslims with head scarves or other special clothing or grooming requirements. While these can be dealt with as administrative matters, it becomes a unique kind of stressor to the new breed of law enforcement officers, who seem to be forced to litigate to solve the problem. That is a different kind of stress.

The uniqueness of each human being's personality and character traits is developed early; education and employment build on these. Much of what makes each of us unique is our genetic inheritance, much of which we cannot change. In law enforce-



Katherine Ellison



ment, as in society in general, there are, as Dean Hamer says in his book "Living With Our Genes" (Anchor Books, 1999), people who are "risk takers" and those who are "risk avoiders." There are those who struggle to control weight despite diet and exercise, and those who are prone to mental illness. These concerns can be aggravated by shift changes that disturb the circadian rhythm essential to good sleep patterns. Poor sleep habits often impair judgment, and steady shift work is a recognition of this. It affects some people more than others, and is rooted in the genes. Dr. Ellison touches on this, but

there is room for work on the relationship between genetics and personality.

Recalling Zimbardo's study of the interplay between prison guards and inmates, and reflecting on the incidents at Abu Ghraib prison in Iraq, we are forced to wonder what propels people to such cruelty. What leads to the loss of moral compass and grim statistics on police brutality?

This only serves to point out the author's overall message to supervisors and administrators that the quality of line supervision can do a lot to reduce stress. Middle management, the sergeants and lieutenants, should most often be in the street in supervisory roles, yet are not. They are the ones with street smarts and community savvy, but consider themselves fortunate, by dint of promotion, to be off the street. Yet when something goes awry, they have to deal with it. Good stress management, as the author notes, is in communication with the officers on patrol, paying attention to them and what signs of stress they exhibit. Even though many try to separate their work life and their home life when there are problems in either (or both), the problems may inevitably spill over from one to another. The chapter on "Suggestions for Training" might be refocused to integrate preventive intervention, if you will, responding to early warning signs as opposed to cleaning up the mess.

One of the great strengths of this book is its curriculum development and lesson plans, which allow a trainer, who may be of uncertain qualifications, to get ideas and to

Continued on Page 14

Brotherhood of Corruption: A Cop Breaks the Silence on Police Abuse, Brutality and Racial Profiling.

By Juan Antonio Juarez.

Chicago: Chicago Review Press, 2004.

256 pp., \$24.95.

By David R. Bores

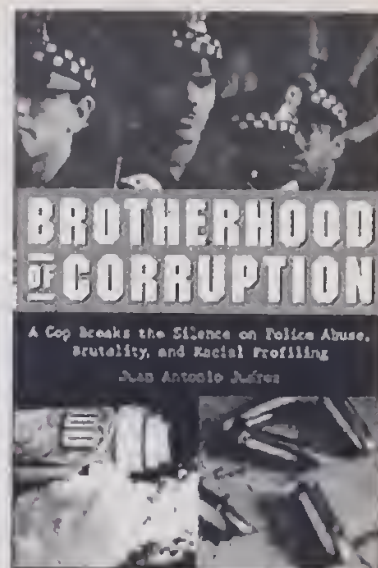
For nearly 300 pages in "Brotherhood of Corruption," Juan Antonio Juarez confesses to one despicable act after another that he committed while serving with the Chicago Police Department. From the first day of his sordid seven-year career as a police officer, Juarez consistently violated his oath of office and his profession's Code of Ethics without remorse or regret. With abandon, he willingly "descended into decadence" by circumventing the normal evolutionary process of compromise. His professional life, from day-one until his forced departure from the department, was distinguished by his repeated use and tolerance of excessive force, brutality, and intimidation; by his blatant racism and use of profiling in low economic neighborhoods; by committing perjury, illegal searches, mishandling of evidence, and thefts of private property; by

(Major David R. Bores is Commander of Headquarters Operations for the Cherokee County Sheriff's Office in Canton, Ga. A veteran of more than 30 years in law enforcement, he holds master's degrees in criminal justice and public administration, and is an adjunct instructor of criminal justice at Kennesaw State University.)

his own use of illegal drugs while intentionally framing innocent civilians in order to make drug arrests, and by his unabashed solicitation of gratuities and favoritism. When off duty, Juarez unashamedly pursued his undergraduate and graduate degrees at the city's expense while participating in meaningless sexual exploits that led to three abortions.

According to Juarez, his behavior was not abnormal. All of his associates, regardless of seniority, were equally corrupt. Juarez maintains that he was merely going along with the brotherhood, motivated by the same demons of intense anger, lust, greed and peer pressure. As for his supervisors and members of the department's command staff, Juarez claims that they fostered the environment of corruption in the first place by ignoring what he and his comrades were up to, by imposing a quota system to measure productivity, and by restricting the department's war on illegal drugs to minority areas while ignoring the real source of the drug problem within Chicago's affluent upper- and middle-class neighborhoods.

"Brotherhood of Corruption" serves as another reminder of just how bad officers can become without the existence of



exceptional leadership and proactive control measures to regulate peace officer behavior and to prevent their abuse of authority. How widespread the corruption Juarez describes permeates the ranks of the Chicago Police Department is a matter for debate. One point that seems beyond dispute, however, is that it is widespread enough to allow at least one officer to get away with repeated and blatant acts of illegal and unethical behavior for seven years without so much as a reprimand until he was compelled to resign. The current senior staff of the department, its union officials and the citizens of Chicago all know whether Juarez is just one

Continued on Page 14

Slocumb, Roberts:

Memo to public officials: Cops vote!

By Dennis J. Slocumb
and Rich Roberts

One of the ironies that becomes apparent when speaking with law enforcement officers is their reluctance to base their votes on pocketbook issues that impact them and their families. We have long tended to back law-and-order candidates, the death penalty, conservative judges and tougher sentencing. Less importance, it seems, is accorded a commitment to collective bargaining, overtime, due process for law enforcement officers and myriad other issues directly affecting our pocketbooks and working environment.

The trend continues. This year, with the support of many peace officers in Indiana, a new Governor was elected. Inaugurated on Jan. 10, Gov. Mitch Daniels' first order of business on his first full day in office was to repeal an executive order giving state employees collective bargaining and voiding the labor agreements reached by the prior governor.

In Missouri, the same thing happened, as Gov. Milt Blount made good on campaign

pledges. Like Daniels, during his first full day in office he rescinded the collective bargaining rights of thousands of state workers and ordered public agencies to make cost-cutting policy changes.

In California, Gov. Arnold Schwarzenegger, whose election in a recall ballot last year was also supported by some large police groups, has brought public safety pensions under attack, floating the idea of replacing them with 401k plans. Similar debate is underway in many other states. In Minnesota, there is a proposed state resolution that would require larger pension input from public employees. It would cost the average police officer about \$1,000 per year in take-home pay.

Sadly, these are not anomalies. Recent history shows us that when George W. Bush was Governor of Texas, both houses of his Legislature passed legislation by substantial majorities that would give police officers the right to "meet and discuss." In a right-to-work state, this is one step shy of actually bargaining for wages, benefits and work conditions. Then Governor Bush first vetoed

the legislation and later, under pressure, signed it.

When Vice President Dick Cheney served in the U.S. Congress, he voted against legislation to increase the death benefit to families of police officers slain in the line of duty. This self-proclaimed law-and-order candidate voted to deny desperately needed funds to law enforcement families at their time of greatest sorrow and need.

Thus administration supported and encouraged the Secretary of Labor to pursue policies that would have denied hard earned overtime pay to hundreds of thousands of American workers, including law enforcement line supervisors. The Bush administration severely cut funding for the COPS program and left many municipalities without adequate public safety funding.

With elected officials such as Governors Daniels, Blount and Schwarzenegger and President Bush, among others, having long histories of talking tough on crime, we cannot help but reach the conclusion that they are certainly willing to be tough on crime. They simply don't want to provide

adequate funds or working conditions for the men and women who are on the front lines in these efforts.

By contrast, one of the most liberal figures ever to serve as governor of California was Jerry Brown. Yet, he signed that state's Peace Officers Bill of Rights, a document that forever changed the lives of working cops in the Golden State. No longer could internal affairs investigators call accused police officers in for an interview at a time convenient to Internal Affairs; rather, they had to make the appointment on the peace officer's shift. There were no more forced polygraph examinations or lengthy interrogations without counsel. Suddenly peace officers had to be treated with the same respect by Internal Affairs as they were expected to give to those they themselves investigated. Governor Brown was vilified by many of those same officers. A national bill is being introduced that would provide a nationwide standard for the administrative investigation of police officers. Police officers should monitor the legislation and see if "law and order" candidates become cosponsors and whether their rhetoric connects with reality.

This is not a call for partisan decision-making, nor is it a plea to abandon the natural conservative inclinations of most police officers. It is a cautionary note that when deciding to support, endorse or vote for any public official regardless of his or her position in the political spectrum, we have an obligation to consider the whole record of candidates, some of whom may be guilty of short sightedness at best, and hypocrisy at worst.

As a unique component of American society, we are sworn to support the rule of law. Our oath requires that we meet a solemn obligation to protect and serve the public. Yet we have an equal obligation to protect and serve our families to ensure that we can go forward and perform at our best. We cannot protect and serve either the public or our families if self-serving political leaders balance budgets on our backs, our families', and indeed, the safety of the public we serve. While there are myriad considerations to be weighed before casting a vote or making an endorsement, somewhere near the top of that list should be a commitment to pocketbook issues such as collective bargaining, wage enhancements and improved working conditions. For unions, those issues should be the prime considerations.

Voting is more than just a constitutional right. It is a sacred obligation. As such, we must venture past the sound bites, go past the slick commercials and scrutinize the total records of those who seek public office and in whose hands our fate and the security of our families lie.

(Dennis J. Slocumb is vice president & legislative liaison of the International Union of Police Associations, AFL-CIO. Rich Roberts is the IUPA's public information officer.)

Opinions expressed on the Forum page are those of the writer, and do not represent an official position of Law Enforcement News. Readers are invited to voice their opinions on topical issues in the form of letters or full-length commentaries.

OTHER VOICES

Can a curfew curtail crime?

"Oakland Mayor Jerry Brown saw a pattern in the city's grim homicide statistics and decided to do something about it. About half of the victims were on probation or parole. Most of them were shot at night, typically away from home. Those who survived were likely to retaliate in short order. . . . Thus Brown's controversial recommendation to add a new condition of probation for many felons in Alameda County: a curfew between 10 p.m. and 6 a.m. Alameda County District Attorney Tom Orloff embraced the idea after he and his staff assessed its constitutionality. . . . The district attorney began requesting the curfew as a condition of probation about two months ago. So far, about 50 probationers have agreed to abide by the curfew, according to Orloff. It's much too early to tell whether the policy is achieving its crime-reduction goal. . . . Still, the policy has generated widespread interest. . . . Brown has suggested that Gov. Arnold Schwarzenegger consider the curfew-condition idea for parolees leaving the state prison system. . . . The restrictiveness of the curfew condition does raise concerns about how it would be enforced. . . . Orloff insisted that a curfew violation would not result in imprisonment. The curfew condition does allow for people who work at night, or need to leave the house in an emergency. If the curfew proves successful and is extended to parolees, said Brown, it could actually give the state the confidence to release more people from prison. . . . The curfew condition is an experiment worth trying — and worth watching closely."

— *The San Francisco Chronicle*, Feb. 6, 2005

A touchy subject

"In an effort to boost the campaign of Houston's finest against the world's reputed oldest profession, Houston Police Chief Harold Hurtt has imported an enforcement policy from his former post in Phoenix. Whereas Houston undercover cops previously could not take off their clothes when negotiating with prostitutes over fees for sex, they now may strip in order to make a bust. . . . The change is an effort to get past the defenses of prostitutes who insist that clients bare their soles and everything else before discussing the terms of a sexual transaction. Harris County Assistant District Attorney Ted Wilson defends the new policy as necessary to crack down on an epidemic of houses of prostitution that masquerade as spas and modeling studios. . . . But how wise is it to let officers get into sexually compromising positions with suspected prostitutes? After all, police need not get drunk in order to catch drunken drivers. And they don't have to do drugs to catch narcotics traffickers. . . . Closing down thinly disguised houses of

prostitution is a goal most community members support. Unfortunately, there are a lot of little devils lurking in the details of allowing police officers to strip and engage in physical contact up to the point of sexual acts in order to build cases. City officials should reconsider whether the new policy is not a step or two too close to illegal entrapment or worse."

— *The Houston Chronicle*, Jan. 30, 2005

Going ballistics

"Barely a year after singing the praises of a law requiring gun makers to submit ballistics data on every handgun sold in Maryland, state police have declared it a dud and want it repealed. At first glance their reasoning appears sound. Since the law took effect in 2000, the information gathered has not significantly aided a single criminal investigation. The cost so far, much of it for setting up the system: \$2.6 million over the four years. That's not a lot of bang for the buck, nor does it reinforce the state police's own report in 2003 that called the ballistics database "a powerful weapon in law enforcement's arsenal against crime." New York is the only other state with a law establishing a database on ballistic "fingerprints", there, too, the system has yet to solve a crime. The idea behind the laws is that the markings on the casings can be traced to a specific gun, but — here's the rub — finding a match remains a crapshoot. In each state the files contain data on only those guns sold in that state since the law took effect. Most of the weapons used in crimes are older and probably were first sold in other states. Still, New York is not scrapping its system. Unlike Maryland, New York officials are working on arrangements to coordinate local inquiries with state and federal ballistics networks. One of the problems has been that federal law enforcement officials run a different kind of database, with information on guns used in crimes, as opposed to new guns. The federal network has come up with thousands of "hits," many of them producing helpful investigative information. It has taken time for other government databanks to yield significant results, including Brady-law background checks on handgun purchasers. And without a federal network, Maryland and New York are limited, just as the District of Columbia's handgun ban is handicapped by gun-running marketers from nearby states. A broader national database would be the best approach. In Maryland, the relative handful of inquiries by state police to a still young database may not produce significant results for some time. Still, police can and should make better use of the system. It may yet prove to be a flop. But at this point, collecting the data ought not to stop."

— *The Washington Post*, Jan. 31, 2005

DNA dragnet continues in Cape Cod murder

Continued from Page 1

acceptance in Europe, where German and British authorities have been known to gather samples from thousands of residents in the search for a match.

Six years ago in Germany, for example, authorities collected samples from 16,400 men after the rape and murder of an 11-year-old girl. The DNA sweep, which is considered the largest to date, was successful. After police came up with a match, the killer was prompted to confess.

But in the United States, some two dozen lawsuits have been filed by innocent men against law enforcement agencies. Most come from Louisiana, where 1,200 men had the inside of their cheeks swabbed in 2003 by investigators hunting for a serial killer in Baton Rouge. None of the men had anything to do with the murders. The plaintiffs want their samples destroyed and their genetic profiles removed from a database that can be drawn upon in the investigation of other crimes.

While police in that case did not collect a sample from the actual killer, Derrick Todd Lee, who was convicted of one of the murders in October, they used a type of genetic profile that can determine an individual's ethnicity. The method is primarily used to trace a person's ancestry. It allowed authorities to narrow their search for a suspect to African Americans.

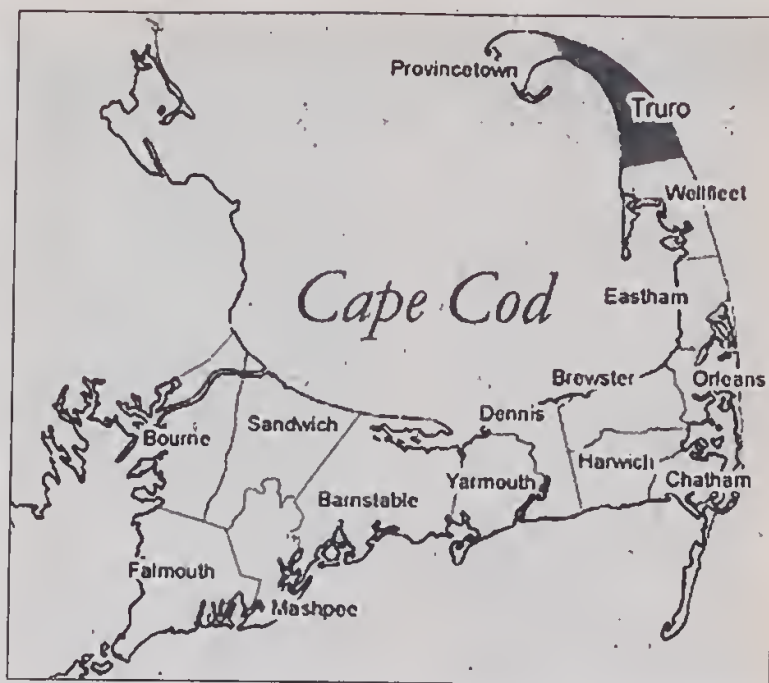
Lee, who is black, was arrested in Atlanta on May 27, 2003, after his sperm was found to match that found at one of the crime scenes. Lee had initially been charged with the murder and aggravated rape of Carrie Yoder, a 26-year-old graduate student at Louisiana State University. DNA evidence taken from her body linked her death to Lee, and to the other four victims: Pam Kinamore, 44, Charlotte Pace, 22, Gina Green, 41, and Tineisha Colomb, 23. [See LEN, Jan. 15/31, 2003].

Blair Shelton, who gave a DNA sample to police in Ann Arbor, Mich., in 1995 during the investigation of a series of rapes there, is believed to be the only one to successfully sue for the return of his DNA sample.

A study released in September by the Police Professionalism Initiative at the University of Nebraska at Omaha found that of at least 18 investigations in which police used DNA sweeps to identify suspects, only one has ended up with an arrest. That one was in Massachusetts.

"As you cast a broader net, without any specific identifiers, one, you increase inefficiency, and second, you increase the violations of people's privacy," said Professor Samuel Walker, the study's author.

In California last month, ACLU lawyers tried to stop the implementation of Proposition 69, a ballot initiative that requires



The seaside resort town of Truro, Mass., sits at the wrist of the "arm" formed by Cape Cod. Above, left, the reward poster circulated in hopes of solving the three-year-old murder of Christa Worthington.

anyone arrested for a felony to submit a DNA sample. The measure, which was approved by 62 percent of voters in December, would also allow police to take samples from anyone ever arrested for a felony. That provision takes effect in 2009.

Some 50,000 people are arrested every year in California, but not charged or convicted. The lawsuit filed by the ACLU in U.S. District Court in San Francisco asserts that Proposition 69 would violate Fourth Amendment protections against unreasonable search and seizure.

Said Nathan Barankin, a spokesman for state Attorney General Steve Cooley: "Over the last two decades courts throughout this country have scrutinized and upheld DNA-collection laws, and we expect the court will do the same with this particular lawsuit."

With regard to the Truro case, Carol Rose, executive director of the Massachu-

setts ACLU, said citizens need to know that they have a legitimate right to refuse a police request for a sample without being considered a suspect in a homicide.

"We're very concerned about using DNA sweeps as an investigative tool," added John Reinsteim, the Massachusetts ACLU's legal director. In an interview with The New York Times, Reinsteim said: "If there's a person out there and has yet to come forward and say he had been with Christa Worthington before she was murdered, that person is not likely to say, 'Test my DNA and see if it matches the crime scene.' From that it seems

that what they're looking for is the people who turn them down. So in some way it's saying, 'Will you please come forward and identify yourself as murder suspect.'"

Police say they will discard samples that do not match their DNA evidence, and will not keep a database.

Said Truro Sgt. David Perry: "The person we're looking for is the one who deposited the DNA" by having sex with Worthington before she died. "We're not saying that this is the killer. What we're saying is we need to talk to this person, who may be just the last person to see her alive."

Ellison's updated look at stress does a 'fine service' for police departments

Continued from Page 12

adapt curriculum and case studies to the relevant circumstances of the department. Dr. Ellison presses the cogent point that trainers should be carefully picked, experienced and trained in stress and conflict management. There is an argument for picking qualified trainers from outside the department to neutralize the experience. Naturally, this involves issues of budget and credibility.

One of the limitations imposed on Dr. Ellison is the lack of current research in some areas. Studies like those conducted by Zimbardo (1973), Niederhoffer (1978) and Kahn (1978), while groundbreaking, are nonetheless dated. Their pioneering studies should be opening doors to further and more sophisticated research on role expectations, the police family and role conflict, and perhaps we are not there yet. This is not Dr. Ellison's fault, but her text surely reveals the opportunities for research in these and other areas.

While Dr. Ellison places great value on her learning experiences at the FBI Academy in Quantico, Va., the FBI agent is a different law enforcement person from the usual local police officer. While stress and stressors may

be the same, I would think their coping strategies would be at another level. More attention needs to be given to smaller departments. She mentions the Montclair, N.J., police, and testing her research on police officers at John Jay College of Criminal Justice. This is fine, but a broader base of study is needed.

The great strength of the book is in its renewing the focus on stress in our society,

and particularly how it affects police. The author provides resources, support and direction which should help the trainer. The bibliography is a fine resource that individuals could use to pursue particular interests or problems. Keeping the topic in the forefront of our thinking is one of the best ways of addressing it. Dr. Ellison has done a fine service for police departments struggling with this across America.

The criminal exploits of a loathsome ex-cop

Continued from Page 12

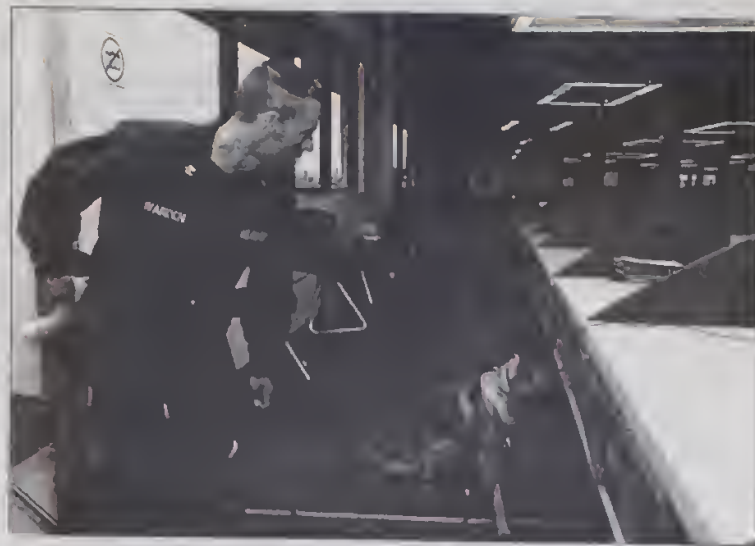
rotten apple or if there are many other ticking time bombs like him in their midst. One can only hope that the remaining honest supervisors and street level officers are doing their part to eliminate those like Juarez from their ranks.

I do not recommend the "Brotherhood of Corruption" unless you have a burning desire to revisit the criminal exploits of a thoroughly loathsome ex-police officer. Juarez states that he "has found the truth behind my actions" in writing this book.

That's just wonderful, but we don't need to help another admitted felon capitalize on his illicit behavior by purchasing a copy of his "I've seen the light" confessional. A more worthy book project for the future would be one that focuses on Officer Gina Velez, whom Juarez mentions as the one person he associated with who exemplified true virtue, honor, and professionalism. I would much prefer to know how she managed to resist the likes of Juarez and to withstand the temptations from the corruption that flourished around her.

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A-1 K-9s

The newest members of the U.S. Coast Guard's Maritime Safety & Security Team 91104 in Galveston, Texas, went on duty recently after graduating from the Canine Enforcement Training Center in Virginia. The two Belgian Malinois, Cora and Touché, are trained to give a "passive response" when they detect the scent of explosives. At left, Touché leads her partner, Petty Officer 2nd Class Aaron Harcourt, to a "find" during a training exercise on the air freight ramp at Houston's Bush Intercontinental Airport. Above, Cora sits to show her partner, Petty Officer 2nd Class Don Warden, that she has a "find" at the Port of Galveston Passenger Cruise Terminal.

(USCG photos by PA3 Andrew Kendrick)

Time Capsules

A look back at events of 25 years ago — February 1980 — as reported in Law Enforcement News.

◆ The Justice System Improvement Act of 1979 takes effect, creating the Office of Justice Assistance, Research and Statistics as a new umbrella agency for the Law Enforcement Assistance Administration. Also coming under the OJARS lid will be the newly created National Institute of Justice and the Bureau of Justice Statistics.

◆ The LEAA pours \$9 million in grants into a bucket brigade of 35 state and local projects aimed at dousing the nation's growing arson problem. The grants will be used to fund prevention, investigation, prosecution and data collection efforts.

◆ The Florida Highway Patrol imposes sharp restrictions on patrol car cruising by troopers, due to a shortfall of funds to meet rising fuel prices. With the price of gasoline climbing toward \$1.10 per gallon, patrol officials pointed out that the fuel budget was based on an anticipated price of 80 cents per gallon.

◆ Untaxed profits from illegal drug trafficking are approaching \$25 billion a

year, a top Justice Department official tells Congress, adding that narcotics investigators are being handcuffed by a 1976 law aimed at protecting taxpayers' privacy. The official says the Tax Reform Act of 1976 has undermined direct cooperation between the Internal Revenue Service and drug enforcement agents, especially in the interrelated areas of narcotics, organized crime, white-collar crime and public corruption.

◆ The president of the International Association of Chiefs of Police calls for the creation of a mandatory reporting system on the use of deadly force by police and a national database to compile and analyze the figures. Police Chief Joseph S. Dominelli of Rotterdam, N.Y., sharply criticizes a report by Dr. Lawrence W. Sherman, who contended that homicides by police are underreported by as much as 50 percent.

◆ A report by the Highway Users Federation, a business group, says that American drivers backed off the accelerator somewhat in 1979, cutting their average speed to 55.5 miles per hour, from 56.3 mph in 1978. In what was believed to be a related development, police issued 3 percent fewer speeding tickets in 1979 compared to 1978.

Headlines are not enough

*Affirmative action programs
looking a little black & blue
The jury is still out on community policing
Time to rethink academy & field training
Maternity leave
It's a mother
Law enforcement is too much
for some women to handle*

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In this issue:

Mass. roundup: Voluntary DNA dragnet seen as key to Cape Cod murder. **Page 1.**
Around The Nation: A coast-to-coast roundup of police news. **Pages 2, 3.**
Try, try again: New York finally exes hardh 1970's drug laws. **Page 4.**
When cops are the victims: Prosecutors are ready to step in. **Page 4.**
Double dose: Bad oews on top of bad news in Boston. **Page 4.**
Baring arms (and more): Houston cops can now get naked with hookers. **Page 5.**
Sounding the alarm: Verified response comes to California. **Page 5.**
People & Places: New hands at the helm; oldie but goodie; dual identity; Monroe's doctrine; model detective; rotten timing; breaking 'em up. **Pages 6, 7.**
Looking back: James Q. Wilson & George Kelling look at "Broken Windows," 22 years later. **Pages 8, 9.**
Making house calls: NYPD sees results against domestic homicide. **Page 11.**
A click away: Connecticut to put anti-crime info at cops' fingertips. **Page 11.**
Virtual reality nightmare: Online rape fantasy raises N.J. concerns. **Page 11.**
Criminal Justice Library: Stressed-out cops, and one despicable rogue. **Page 12.**
Forum: Memo to officials — cops vote! **Page 13.**
Time Capsules: 25 years ago in LEN. **Page 15.**

SHOCKING!

The growing controversy over the Taser. **Page 1.**



Also in this issue: "Broken Windows," 22 years later. **Pages 8, 9.**

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WHAT THEY ARE SAYING:

"I can assure you that these undercover officers don't want to get naked, but they don't have a choice."

— Charlie Fuller, executive director of the International Association of Undercover Officers, on a change in Houston Police Department policy that will allow vice officers to disrobe if needed to make a prostitution arrest. (Story, Page 5.)